

Report to the
U. S. Election Assistance Commission
On
Best Practices to Improve Voter Identification Requirements
Pursuant to the
HELP AMERICA VOTE ACT OF 2002
Public Law 107-252

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Submitted by

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**Report to the
U. S. Election Assistance Commission**

Best Practices to Improve Voter Identification Requirements

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The Research Team

This research report on Voter Identification Requirements in the 2004 election is part of a broader analysis that also includes a study of Provisional Voting, which has already been submitted to the EAC. Conducting the work was a consortium of The Eagleton Institute of Politics of Rutgers, The State University of New Jersey, and The Moritz College of Law of The Ohio State University.

The Eagleton Institute explores state and national politics through research, education, and public service, linking the study of politics with its day-to-day practice. It focuses attention on how contemporary political systems work, how they change, and how they might work better. Eagleton regularly undertakes projects to enhance political understanding and involvement, often in collaboration with government agencies, the media, non-profit groups, and other academic institutions.

The Moritz College of Law has served the citizens of Ohio and the nation since its establishment in 1891. It has played a leading role in the legal profession through countless contributions made by graduates and faculty. Its contributions to election law have become well known through its Election Law @ Moritz website. *Election Law @ Moritz* illuminates public understanding of election law and its role in our nation's democracy.

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A draft of this report and the statistical analysis in its appendix were critiqued by a Peer Review Group. The comments of its members improved the quality of our work. While the Group as a whole and the comments of its members individually contributed generously to the research effort, any errors of fact or weaknesses in inference are the responsibility of the Eagleton-Moritz research team. The members of the Peer Review Group do not necessarily share the views reflected in our recommendations.

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REPORT AND RECOMMENDATIONS TO THE EAC

VOTER IDENTIFICATION ISSUES

Report Background

The Help America Vote Act of 2002 (HAVA) (Public Law 107-252) authorizes the United States Election Assistance Commission (EAC) (Sec. 241, 42 USC 15381) to conduct periodic studies of election administration issues. The purpose of these studies is to promote methods for voting and administering elections, including provisional voting, that are convenient, accessible and easy to use; that yield accurate, secure and expeditious voting systems; that afford each registered and eligible voter an equal opportunity to vote and to have that vote counted; and that are efficient.

This study provides information on voter identification practices in the 2004 election. It makes recommendations for best practices to evaluate future proposals for voter ID requirements, including the systematic collection and evaluation of information from the states. The research was conducted by the Eagleton Institute of Politics at Rutgers, the State University of New Jersey, and the Moritz College of Law at the Ohio State University under a contract with the EAC, dated May 24, 2005. The work included a review and legal analysis of state statutes, regulations and litigation concerning voter identification and provisional voting as well as a statistical analysis of the relationship of various requirements for voter identification to turnout in the 2004 election. This report is a companion to a report on Provisional Voting submitted to the EAC on November 28, 2005 under the same contract.

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Background and Methods

This report arrives at a time of considerable ferment over the issue of voter identification. The debate across the nation over requiring voters to produce a specific identification document before being permitted to cast a regular (as opposed to a provisional) ballot, has revealed supporters and opponents in polarized camps.

- Proponents of stricter identification requirements base their case on improving the security of the ballot by reducing opportunities for one kind of vote fraud --multiple voting or voting by those who are not eligible. The proponents argue that their goal is to ensure that only those legally entitled to vote do so, and do so only once at each election.

- Opponents seek to forestall more stringent identification requirements, such as government-issued photo ID, in order to ensure broad access to a regular ballot. They fear that some voters --such as, they argue, racial and ethnic minorities, the young, and elderly voters-- may lack convenient access to the required ID documents, or that such voters may be fearful of submitting their ID documents to official scrutiny and thus stay away from the polls.
- Both sides argue that their preferred policy will engender faith in the electoral process among citizens.

This report considers policy issues associated with the voter ID debate. It inquires whether empirical study can suggest a way to estimate the effects of different voter ID requirements on turnout. That analysis would constitute an important first step in assessing tradeoffs between ballot security and ballot access. The aim of this research is to contribute to the effort to raise the quality of the debate over this contentious topic. The tradeoffs between ballot security and ballot access are crucial. A voting system that requires voters to produce an identity document or documents may prevent the ineligible from voting. It may also prevent eligible voters from casting a ballot. If the ID requirement of a ballot protection system blocks ineligible voters from the polls at the cost of preventing eligible voters who lack the required forms of identification, the integrity of the ballot may not have been improved; the harm may be as great as the benefit.

As part of the project's effort to analyze the relationship between Voter ID requirements, turnout, and their policy implications, a statistical analysis examined the potential variation in turnout. This statistical study developed a model to illuminate the relationships between voter ID requirements and turnout. This model's findings and limitations suggest avenues for further research and analysis that may assist the EAC and the states as they explore policies to balance the goals of ballot integrity and ballot access.

The statistical analysis describes one possible way to estimate what might be the incremental effect on voters' access to the ballot of an increase in the rigor of voter identification requirements. We do not offer this statistical analysis as the last word, but rather as a preliminary word on the subject. Its findings must be regarded as tentative; the information (such as the specific reasons some potential voters are not allowed to cast a regular ballot) that might permit greater certainty is simply not available. Indeed, as our recommendations indicate, the next step to improve understanding of the effects of stricter voter identification on

turnout and on vote fraud is to collect more information on both topics systematically and regularly.

Making a statistical estimate of the effect of voting regulations on turnout is difficult. The dynamics of turnout are complex, much studied, and only partially understood. Some agreement exists, however, that three factors that exert substantial influence on voter turnout are:¹ the socioeconomic status of the potential voter; legal requirements to vote; and the political context of the election. By focusing on how voters identify themselves at the polls, this report emphasizes legal requirements. The statistical analysis also considers some of the socioeconomic, racial, and age characteristics of the electorate, as well as the political context in 2004 (such as whether a state was a battleground in the presidential race).

Examining tradeoffs between ballot security and ballot access requires some measure of the effectiveness of voter ID requirements in reducing multiple voting or voting by ineligible voters. The existing evidence on the incidence of vote fraud, especially on the kind of vote fraud that could be reduced by requiring more rigorous voter identification, is not sufficient to evaluate those tradeoffs.² Assessing the effectiveness of voter ID as a way to protect the integrity of the ballot should logically include an estimate of the nature and frequency of vote fraud. This research does not include consideration of vote fraud, nor does it estimate the possible effectiveness of various voter ID regimes to counter attempts at vote fraud. Our analysis also cannot take into account how many potential voters who did not turn out under comparatively stricter voter ID requirements might have been ineligible or eligible to vote.

Despite these qualifications regarding the quality of the available data and the limitations of statistical analysis, however, the different statistical methods and two different sets of data on turnout in 2004 election used in the study point to the same general finding. Stricter voter identification requirements (for example, requiring voters to present non-photo ID compared to simply stating their names) were correlated with reduced turnout in the models employed, as described in detail in Appendix C.³ As explained below, these models find that a statistically

¹ See, for example, Tom William Rice and Patrick J. Kenney, "Voter Turnout in Presidential Primaries." 1985. *Political Behavior*, 7: 101-112. Identification requirements are not the only legal restrictions on voting. States also differ, for example, in their registration requirements (including how long before the election registration must take place and the identity documents required register).

² The EAC has contracted with other researchers to study vote fraud issues.

³ Appendix C: Tim Vercellotti, Eagleton Institute of Politics, *Analysis of Effects of Voter Identification Requirements on Turnout*. Using the aggregate data, photo ID did not have a significant effect on turnout, possibly because in the

significant relationship exists, even when controlling for other factors (such as whether the election was in a battleground state) that might affect turnout. (But note that in the model using the aggregate data, photo ID did not have a significant effect on turnout. The reason may have been that in this election, each state with a photo ID requirement provided an alternate way for those without a photo ID to cast a regular ballot.) Without knowing more about the effects of stricter voter ID on reducing multiple voting or voting by ineligible voters, however, the tradeoffs between ballot security and ballot access cannot be assessed.

Methodology

The report includes detailed information on the nature of the statutory requirements across the country in 2004 and on the statutes and court decisions that provide the legal context for the voter ID debate. We gathered information on the requirements in effect in the 50 states and the District of Columbia in that year. Based on our interpretation of state statutes, supplemented in some cases by conversations with state election officials, we divided the states' ID requirements into five categories. We believe each category is more rigorous than the one preceding, based on the demands they make on voters.⁴ The categories range from "Stating Name" which we judge to be somewhat less demanding than "Signing Name." "Signature Match" requires poll workers to examine the signature and compare it to a sample, which is slightly more demanding than the voter simply signing. "Present ID" requires voters to offer some documentary evidence of their identity, ranging from a utility bill to a passport. It is more demanding than the previous three categories because it requires that the voter remember to bring this documentation to the polls. (Even a simple ID, such as a utility bill, may not be available to some renters or, say, those in group housing.) We regard a government "Photo ID" as the most rigorous requirement. Such identity documents may not be uniformly and conveniently available to all voters.

For each state, we identified both the "maximum" and "minimum" identification requirements. The term "maximum" refers to the most that voters may be *asked* to do or show at the polling place (putting aside cases in which particular voter's eligibility may be questioned pursuant to a state challenge process). The term "minimum," on the other hand, refers to the most that voters can be *required* to do or show, in order to cast regular ballot (again leaving aside a state

2004 election every state requiring photo ID provided an alternative way to cast a regular ballot for those voters who lacked photo identification. The individual data from the Current Population Survey did show a significant effect, but only for the overall sample and for white voters, which may be an artifact of the large sample size.

⁴ Even the most relaxed provisions for identification at the polls—anything stricter than the honor system used in North Dakota—will impose some burden on particular voters. Harvard Law Review 119:1146

challenge process). We have included “maximum” requirements in our analysis, and not simply “minimum” requirements, because simply asking voters to produce particular identifying information may have a deterrent effect, even if voters are ultimately allowed to cast a regular ballot without that identification. For example, in a state where voters are asked to show photo ID at the polling place, but still allowed to vote by completing an affidavit confirming their eligibility, the “maximum” of being asked to show photo ID may deter some voters even though the “minimum” would allow them to vote without photo ID.

It is worth emphasizing that, at the time of the 2004 election, there was *no* state that had a “minimum” requirement of showing photo ID – in other words, there was no state that required voters to show photo ID in order to cast a regular ballot. For this reason, our report does not measure the impact of laws, like those recently enacted in Indiana and Georgia, which require voters to show photo ID in order to cast a regular ballot without an affidavit exception.

To examine the potential variation on turnout rates associated with each type of voter ID requirements in effect on Election Day 2004, the statistical analysis drew on two sets of data. These were, first, aggregate turnout data at the county level for each state and, second, the reports of individual voters collected in the November 2004 Current Population Survey by the U. S. Census Bureau. Using two different data sets makes it possible to check the validity of one analysis against the other. It also provides insights not possible using only one of the data sets. The aggregate analysis cannot provide valid estimates on the effects of different ID requirements on particular demographic groups (e.g., the old, the young, African-Americans, the poor, or high school graduates). The Current Population Survey data does permit that kind of analysis, although it has the disadvantage of relying on self-reports by respondents about their registration status and experience in the polling place.

To understand legal issues that have been raised in recent litigation over voter ID requirements, we collected and analyzed the few major cases that have been decided so far on this issue. The decisions so far provide some guidance on the constitutional and other constraints as to voter ID requirements.

Summary of Findings

As voter identification requirements vary, voter turnout varies as well. This finding emerged from both the statistical analysis’s aggregate data and the individual-level data, although not always

for both the maximum and minimum sets of requirements. The overall relationship between the stringency of ID requirements and turnout was fairly small, but still statistically significant.

In the model used with the aggregate data in the statistical analysis, for the maximum ID requirements, the match-signature requirement and the provide-a- non-photo-ID requirement, but not the photo ID requirement, were all correlated with lower turnout compared to requiring that voters state their names. When the registration closing deadline was added as an independent variable in the aggregate analysis, signature match and non-photo id remained significant and negative predictors in the model.

The reduction in turnout was not the same for all demographic groups in the citizen voting age population.

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The non-photo identification requirement showed the most significant and consistent correlation with reduced turnout. This result may be surprising given the intense debates surrounding photo identification requirements. The effect of photo ID requirements cannot, however, be assessed from the data the statistical analysis examined, since none of the states had laws in 2004 that conditioned voting on presentation of photo ID. Each of the five states that had photo ID as a “maximum” requirement (i.e., the most that voters could be asked to show at the polls) accepted another type of identification or an affidavit as a “minimum” requirement in the 2004 election (i.e., they were allowed to cast a regular ballot with something less than photo ID).

Significant questions about the relationship of voter identification requirements to turnout remain unanswered. The data examined in this project could not capture the dynamics of how identification requirements might lower turnout. If ID requirements dampen turnout, is it because individuals are aware of the requirements and stay away from the polls because they cannot or do not want to meet the requirements? Or, do the requirements result in some voters being turned away when they cannot meet the requirements on Election Day? Other factors that may also be correlated with stricter ID laws – such as less user-friendly voter registration systems – may actually be causing lower turnout. The CPS data do not include the information needed to answer this question. Knowing more about the “on the ground” experiences of voters concerning identification requirements could guide policy-makers at the state and local level in determining whether and at what point in the electoral cycle a concerted public information campaign might be most effective in helping voters to meet identification requirements. Such

knowledge also could help in designing training for election judges to handle questions about, and potential disputes over, voter identification requirements.

Our analysis of litigation suggests that the courts will look more strictly at requirements that voters produce a photo ID in order to cast a regular ballot, than at non-photo ID laws. The courts have used a balancing test to weigh the legitimate interest in preventing election fraud against the citizen's right to privacy (protecting social security numbers from public disclosure, for example) and the reasonableness of requirements for identity documents. To provide both the clarity and certainty in administration of elections needed to forestall destabilizing challenges to outcomes, a best practice for the states may be to limit requirements for voter identification to the minimum needed to prevent duplicate registration and ensure eligibility.

The current lack of understanding of precisely how voter ID requirements affect turnout could be ameliorated by requiring the collection and reporting of additional data, including the reasons potential voters are required to cast a provisional ballot and the reasons for rejecting provisional ballots during the 2006 and subsequent elections. Also useful would be the results of surveys of voters on their experiences in meeting voter ID requirements and on what type of ballot they cast.⁵ And, of course, more information is needed on the incidence and varieties of vote fraud, but that inquiry is outside the scope of this report.

Recommendations for consideration and action by the EAC

The dynamics of Voter ID requirements –how more rigorous voter ID requirements may affect the decision by potential voters to go or stay away from the polls-- are not perfectly understood. This lack of understanding should be recognized in the policy process in the states. The debate over voter ID in the states would be improved by additional research sponsored by the EAC.

The EAC should consider the following actions to improve understanding of the relationship between voter ID requirements and the two important goals of ensuring ballot access and ensuring ballot integrity.

⁵ Arizona held its first election with its new, stricter ID requirements on March 14, 2006. In at least one county (Maricopa) election officials handed a survey to voters that asked if they knew about the voter identification law and if they did, how they found out about it. Edythe Jensen, "New Voter ID Law Goes Smoothly in Chandler," *Arizona Republic*, March 15, 2006. More surveys of this kind can illuminate the dynamics of voter ID and voting in ways that are not possible now because of insufficient data.

1. Encourage or sponsor further research to clarify the connection between Voter ID requirements and the number of potential voters actually able to cast a ballot that is actually counted.
2. Recommend as a best practice the publication of a “Voting Impact Statement” by states as they assess their voter ID requirements to protect the integrity of the ballot. The analysis will help ensure that efforts to increase ballot security have a neutral effect on electoral participation by eligible voters. A “Voter Impact Statement” would estimate the number and demographics of 1) eligible, potential voters that may be kept from the polls or permitted to cast a provisional ballot by a stricter ID requirement; and 2) and assess the number of ineligible voters who will be prevented from voting by the stricter ID requirements.
3. Encourage or require the states in the 2006 election and beyond, to collect and report reliable, credible information on the relationship between ballot access and ballot security. EAC should publish an analysis of this information to provide a sound factual basis for the states to consider as they estimate the incidence of the kinds of vote fraud that more stringent ID requirements may prevent. The analysis should describe the dynamics of the voter ID process in preserving the security of the ballot. EAC might also use the information reported by the states to encourage further assessment by the states of the effectiveness of programs to ensure that all eligible voters have required ID and are permitted to vote in future elections. Well-designed longitudinal studies in the states can show the results of changing voter ID requirements on electoral participation over time. The studies should include precinct-level data to provide the fine-grained analysis that can provide a solid foundation for policy.
 - I. Useful information could be supplied by state-sponsored surveys of voters conducted by local election officials. Such surveys would make clear why those who cast a provisional ballot were found ineligible to cast a regular ballot. The answers would illuminate the frequency with which ID issues divert voters into the provisional ballot line.
 - II. Surveys to ask voters what they know about the voter id requirements would also provide useful context for evaluating the effect of various voter ID requirements on electoral participation.
 - III. Spot checks by state election officials on how the identification process works at polling places could provide information on how closely actual practice tracks

statutory or regulatory requirements. Such reports should be available to the public.

4. Encourage states to examine the time period allowed for voters who cast a provisional ballot because they lacked required ID to return with their identification. In eleven states, voters who had to cast a provisional ballot because they lacked the ID required for a regular ballot were permitted to return later with their ID. Their provision of this ID is the critical step in evaluating the ballots. The length of the period in which the voter may return with ID is important. In setting the time period for return, which now varies among the states from the same day to about two weeks, states should consider three factors: the convenience of the voter, the total time allowed to evaluate ballots⁶, and the safe harbor provision in presidential elections.
5. Recommendations to the states from EAC should reflect current judicial trends. Requirements that voters provide some identifying documentation have been upheld where photo ID is *not* the only acceptable form. Whether laws requiring photo ID will be upheld is less certain.

SUMMARY OF RESEARCH

Background and Approach of the Study

Voter ID requirements are just one set of rules governing voting that may affect turnout. Social scientists have long studied how election rules affect participation in elections. The general view today is that the individual citizen makes the choice of whether to vote in a way similar to other decisions that a rational citizen makes, by comparing costs and benefits. The benefits of voting are fairly stable and hard to specify given the remote probability that any one vote will make a difference in an election. But whatever the benefit as perceived by an individual voter, as the costs of voting (for example, time, hassle, acquisition of information) increase, the likelihood that a citizen will vote decrease. Not all groups in the population calculate the cost of participation in the same way, so that election laws (such as registration or identification requirements) may affect different groups differently.

A short summary of some of the social science literature illustrates what may be a broad consensus that the rules of elections affect turnout, but note the important differences in the details of what groups may be most affected.

⁶ Our research on provisional voting reveals that states that provide more than a week to evaluate provisional ballots end up counting substantially more of those ballots than states that provide less than a week.

- Bowler, Brockington and Donovan in "Election Systems and Voter Turnout: Experiments in the United States". *The Journal of Politics*, 63:3 (August 2001) concluded that electoral systems help shape turnout by altering the benefits perceived by voters. For example, cumulative voting systems have 5% greater turnout than plurality systems
- The effect of registration systems has been the subject of many studies over the last 40 years. Kelley, Ayres, and Bowen in "Registration and Voting: Putting First Things First." *American Political Science Review*. 61:2 (June 1967) found that local variations in the rate of voting are most directly tied to variations in the rate of registering to vote, and that the rate of registering to vote in localities is most directly related to the laws and administration of the registration process. They concluded that the decline in voting over the past 80 years was due, in part, to the rise of registration laws.
- Brians and Grofman in "Election Day Registration's Effect on U.S. Voter Turnout." *Social Science Quarterly*. 82:1 (March 2001), found that relaxing registration laws produces higher turnout. In particular, they observed that relaxing registration laws is more likely to promote voter turnout among those with medium levels of income and education, rather than those at the lowest levels. Highton in "Easy Registration and Voter Turnout," *Journal of Politics*. 59:2 (May 1997), concluded similarly that registration laws affect voter turnout, but also observed that easier registration promotes turnout among those in lower socio-economic status.
- Mitchell and Wlezien. "The Impact of Legal Constraints on Voter Registration, Turnout, and the Composition of the American Electorate," *Political Behavior*. 17:2 (June 1995) agreed that easier registration promotes higher turnout, but also concluded that higher turnout from easier registration would be unlikely to change the composition of the electorate. Nagler in "The Effect of Registration Laws and Education on U.S. Voter Turnout." *American Political Science Review*. 85:4 (December 1991) found that registration laws decrease voter turnout by depressing the eligible electorate, but that lower educated people are not disproportionately impacted by these laws. But Rosenstone and Raymond E. Wolfinger in "The Effect of Registration Laws on Voter Turnout." *American Political Science Review*. 72:1 (March 1978) found that while registration laws did affect both voter turnout and the composition of the electorate, the sharpest effect of these restrictions was felt in the South and among the least educated.

- Squire, Wolfinger, and Glass in "Residential Mobility and Voter Turnout." *American Political Science Review*. 81:1 (March 1987) found that people who move constitute a major demographic group affected by registration laws. They estimated that altering laws to facilitate voting by recently moved people could increase turnout by 9%. Highton in "Residential Mobility, Community Mobility, and Voter Turnout." *Political Behavior*. 22:2 (June 2000) also found that people who move have lower turnout than stable residents, and estimated that the decline was more a result of registration laws than a loss of social connections.
- Highton and Wolfinger in "Estimating the Effects of the National Voter Registration Act of 1993." *Political Behavior*. 20:2 (June 1998) concluded that the Motor Voter laws led to a significant increase in voting; that eliminating voter purges for not voting also increases voting; and that these effects are felt most heavily by the young (under 30) and the mobile (moved within past 2 years). Knack, in "Does 'Motor Voter' Work? Evidence from State-Level Data." *Journal of Politics*., 57:3 (August 1995), also found that motor voter does lead to increased registration and voting, but that other parts of NVRA of 1993, like mail-in registrations, agency-based registrations, and limitations on voter purges had not been as influential two years after the passage of the act.

While voter ID may not have been the subject of as much research as the registration process, establishing the eligibility of a person to vote has long been part of the electoral process. Voters may have to identify themselves twice in the electoral process: when registering to vote and then when casting a ballot. The pressures felt by the voter arising from the need to check ID, even so simple a check as a signature match, can be greater at the polls on Election Day than at the time of registration. Poll workers may feel under pressure when faced with long lines and limited time.

Voter ID requirements on Election Day

This analysis focuses on ID requirements on Election Day, but with an appreciation that the ID requirements at time of registration and on Election Day are inter-related.⁷ The emphasis in this report is on Voter ID requirements on Election Day and afterwards as election judges evaluate provisional ballots. This is the critical period for the electoral system, the time when ballot access and ballot security are in the most sensitive balance.

⁷ As the Carter-Baker Commission noted, photo ID requirements for in-person voting do little to address the problem of fraudulent registration by mail, especially in states that do not require third-party organizations that register voters to verify ID. Commission on Federal Election Reform, pp 46-47.

The report looks at voter ID issues that go beyond the rather narrow identification requirements in HAVA. Much of the current debate in state legislatures over voter ID ranges beyond HAVA to require more rigorous documentation of identity for all would-be voters, not just those who had not registered in person and are casting a ballot for the first time. Current controversies in the states over voter ID seems to have been sparked in part by the HAVA requirements, but goes beyond those requirements, and sets the context for the analysis here.⁸

We recognize that the previously technical, rather dull subject of voter ID requirements has become fiercely partisan and divisive in many states. The polarization of the debate has raised the stakes over this issue, making dispassionate analysis both more valuable and more rare.⁹ Voter ID is often described as the critical step in protecting the integrity of the ballot, the process to ensure that the potential voter is eligible and, if eligible, is permitted to cast one ballot and one ballot only. Truly protecting the integrity of the ballot, however, requires a perspective that takes in the entire voting process. It demands more than preventing the ineligible from voting, and should also ensure that all those who are eligible and want to vote can cast a ballot that counts. The protection effort must embrace all forms of voting, including absentee ballots, and consider each step in the process from registration through vote counting.

A voting system that requires voters to produce an identity document or documents may prevent the ineligible from voting. It may also prevent the eligible from casting a ballot. If the ID requirements block ineligible voters from the polls at the cost of preventing eligible voters who cannot obtain or have left at home the required forms of identification, the integrity of the ballot may not have been improved; the harm may be as great as the benefit. Ultimately, a normative evaluation of whether a state should adopt a stricter voter ID requirement (and, if so, what particular form that new requirement should take) will weigh value judgments as well as available factual evidence. Nonetheless, this report has proceeded on the premise that

⁸ Harvard Law Review 119:1127: “Legislators hoping to stiffen their state antifraud laws have taken their cue from identification provisions buried in HAVA.”

⁹ “Of the various electoral procedure laws passed in the fifty states since the 2000 and 2004 presidential elections and those still being debated in state legislatures and local media, few arouse more potent partisan feelings than voter identification laws.” *Harvard Law Review* 119:1144. John Fund’s 2004 book, *Stealing Elections: How Voter Fraud Threaten Our Democracy*, cites (pages 16 – 17) a Rasmussen Research poll that asked respondents if they were more concerned with voting by ineligible participants or with disenfranchisement of eligible voters. Sixty-two percent of Kerry supporters, but only 18 percent of Bush supporters, worried more about *disenfranchisement*; 58 percent of Bush supporters, but only 19 percent of Kerry supporters were more concerned with *voter fraud*.

increased understanding of the factual evidence relating to the imposition of voter ID requirements, based on available data and statistical analysis of that data, can help inform the policy process.

Assessing the effectiveness of voter ID as a way to protect the integrity of the ballot should logically include an estimate of the nature and frequency of vote fraud. The EAC has commissioned a separate analysis of the incidence of vote fraud. Consequently, this research does not include consideration of vote fraud nor the possible effectiveness of various voter ID regimes to counter attempts at vote fraud. As a result, our study of the possible effects of voter ID requirements on turnout cannot take into account how many potential voters who did not turn out under comparatively stricter voter ID requirements might have been ineligible or eligible to vote.

In some states, voters lacking required ID, or who have ID that does not reflect their current address, are able to vote only by casting a provisional ballot.¹⁰ Voter ID requirements that require voters to bring a document to the polls --rather than simply sign their names-- may divert more voters to the provisional ballot. Requiring poll workers to request and check ID, can put stress on the already demanding environment of the polling place. Scrutiny of ID can create lines at the polling places. Further delays can result when voters cast a provisional ballot and fill out the ballot envelope. Voters who cast a provisional ballot because they lack their ID on Election Day, and who then fail to return with the needed document or documents, will have their ballot rejected.¹¹ And, of course, the cost of processing provisional ballots is greater than the cost of regular ballots.

Each of these potential consequences of more elaborate voter identification processes can increase the chance of litigation. Long lines will, at best, discourage voters and at worst make voting seem a hassle, an impression that could keep more citizens (even those with ID) from the polls.

¹⁰ For example, the Florida voter ID law adopted after the 2004 election and pre-cleared by the Department of Justice, permits voters who cannot meet the ID requirements to sign an affidavit on the envelope of a provisional ballot, which will be counted if the signature matches that on the voter's registration form.

¹¹ The EAC's Election Day Study found "improper ID," to be the third most common reason for a provisional ballot to be rejected. "Improper ID" was cited by 7 states responding to the survey, compared to 14 mentions for voting in the wrong precinct. *Election Day Study*, Chapter 6, p. 5.

Evaluating the effect of different Voter ID regimes can be most effective when based on clear standards --legal, equitable, practical. The standards outlined here might be described as questions policy-makers should ask about Voter ID requirements. We suggest seven questions that address important dimensions of the problem.

1. Is the Voter ID system designed on the basis of valid and reliable empirical studies of the incidence of the sorts of vote fraud it is designed to prevent?¹²
2. How effective is the ID requirement in increasing the security of the ballot? How well can it be coordinated with a statewide voter database?¹³
3. How practical is the requirement? (Can it be administered smoothly by the staff and budget likely to be made available? How much additional training of polling place workers might be required?) Is it simple enough or can it be defined with sufficient clarity that poll workers throughout the state can administer it uniformly and with a minimum of local interpretation made on the fly under the pressure of Election Day?¹⁴
4. How cost-effective is the system? Does it demonstrably increase the security of the ballot affordably, measured in both monetary and other costs? To improve understanding of the non-monetary component of the costs, conducting a voter impact study might be appropriate. The voter impact study would examine, before the adoption of the regulation, the cost of compliance by the voter (such as the cost in time and money of acquiring a photo ID card), any offsetting benefits to voters, and the possible disparate effects of the regulation on various groups of voters.¹⁵ A thorough, objective impact statement that demonstrated the nexus between the identification regime and the integrity of the ballot could provide protection against inevitable legal challenges.

¹² "Often where the battle over voter identification is most heated, real evidence of voter fraud proves scarce: in Georgia, for example, the Secretary of State averred that she had never encountered a single instance of voter impersonation at the polls. State laws might sometimes impose tighter restrictions on in-person voting than on absentee ballots, which yield the greatest incidence of, and provide the easiest avenue for, voter fraud. . ." Harvard Law Review 127:1144 (2006)

¹³ See the final section of this report for a brief overview of possible effects of a statewide voter database on voter identification issues.

¹⁴ In New York, in 2004, disparities in training and voting information were made apparent in a study finding elections officials had wildly varying interpretations of what the state's voter identification requirement actually was. Tova Wang, "Warning Bell in Ohio," December 5, 2005. Website, the Foundation for National Progress.

¹⁵ "Absent clear empirical evidence demonstrating widespread individual voter fraud, legislatures need to fashion narrowly tailored voter identification provisions with an eye toward the inevitable and well-grounded constitutional challenges that will arise in the courts. Only as states grow more adept at administering elections will courts likely demonstrate greater willingness to uphold strict identification requirements." Harvard Law Review 127:1144 (2006)

5. If a side effect of the Voter ID regulation is likely to reduce turnout, generally or among particular groups, is it possible to take other steps to ameliorate the adverse consequences?¹⁶
6. Does it comply with the letter and spirit of Voting Rights Act?
7. The seventh question is the most difficult to answer. How neutral is the effect of the Voter ID requirement on the composition of the qualified and eligible electorate? Might it, intentionally or unintentionally, reduce the turnout of particular groups of voters or supporters of one party or another without an offsetting decrease in vote fraud?

Voter ID and Turnout

Based on research for this study by the Moritz College of Law, states had one of five types of maximum requirements in place on Election Day 2004. These are shown in Table 1, *Voter ID Requirements*. The five categories: at the polling place, voters were asked to either: state their names (10 states); sign their names (13 states and the District of Columbia); sign their names, to be matched to a signature on file (seven states); provide a form of identification that did not necessarily include a photo (15 states); or provide a photo identification (five states).¹⁷ Using this information made it possible to code the states according to these requirements, and examine the assumption that voter identification requirements would pose an increasingly demanding requirement in this order: stating one's name, signing one's name, matching one's signature to a signature on file, providing a form of identification, and providing a form of photo identification, however, in all "photo ID" states in 2004, voters without photo ID could cast a regular ballot after signing an affidavit concerning their identity and eligibility or provide other forms of ID). The report refers to this set of ID requirements as "maximum," the most rigorous ID the voter can be asked to present at the polling place in order to cast a regular ballot.¹⁸

Election laws in several states offer exceptions to these requirements if potential voters lack the necessary form of identification. Laws in those states set a minimum standard – that is the

¹⁶ For example, the Carter-Baker Commission coupled its recommendation for a national voter ID card to a call for an affirmative effort by the states to reach out and register the unregistered, that is, to use the new Voter ID regime as a means to enroll more voters. Similarly, Richard Hasen has suggested combining a national voter ID with universal registration. See his "Beyond the Margin of Litigation: Reforming U.S. Election Administration to Avoid Electoral Meltdown," 62 Washington and Lee Law Review 937 (2005).

¹⁷ Oregon conducts elections entirely by mail. Voters sign their mail-in ballots, and election officials match the signatures to signatures on file. For the purposes of this analysis, Oregon is classified as a state that requires a signature match.

¹⁸ As noted above, our analysis does not consider additional requirements that particular voters may be subjected to as part of an official challenge process, in the event that their eligibility is called into question.

minimum requirement that a voter may be required to satisfy in order to vote using a regular ballot. States can be categorized based on the minimum requirement for voting with a regular ballot. In 2004 the categories were somewhat different compared to the maximum requirement, in that none of the states required photo identification as a minimum standard for voting with a regular ballot. That is, voters who lacked photo ID would still be allowed to vote in all states, if able to meet another requirement. Four states required voters to swear an affidavit as to their identity (Florida, Indiana, Louisiana, and North Dakota). The five categories for minimum requirements were: state name (12 states), sign name (14 states and the District of Columbia), match one's signature to a signature on file (six states), provide a non-photo identification (14 states), or swear an affidavit (four states). The analysis also examined this array of minimum identification requirements to assess how they correlated with turnout: state name, sign name, match signature, provide non-photo identification, and, given the potential legal consequences for providing false information, swearing an affidavit. As noted above, *no* state had a "minimum" requirement of showing photo ID. This analysis therefore cannot estimate the effect of laws, such as those recently enacted in Indiana and Georgia that require voters to show photo ID in order to cast a regular ballot without an affidavit or other exception.

We recognize the difficulties in summarizing each state's voter ID requirements. The problem is illustrated by the number of footnotes to Table 1 below. The variety of statutory and regulatory details among the states is complex.

Moving beyond the statutes and regulations, we also recognize that the assignment of each state to one category may fail to reflect actual practice at many polling places. As in any system run by fallible humans, the voter ID process is subject to variation in practice.¹⁹ Voters may have been confronted with demands for identification different from the directives in state statutes or regulation. It seems reasonable to conclude, however, that while actual practices may vary, the variance is around each state's legal requirement for ID. The analysis of the effect of state requirements on turnout must be viewed with some caution. We believe that the categories used in this report provide an acceptable level of discrimination among voter identification regimes.

¹⁹ One state election official told us that, "We have 110 election jurisdictions in Illinois, and I have reason to believe [the voter ID requirements] are administered little bit differently in each one. We wish it weren't that way, but it probably is."

TABLE 1 – Voter ID Requirements²⁰

State	Maximum Forms of ID Required 2004	Current ID Requirement for First-Time Voters	Current ID Requirements for All Other Voters	Verification Method for Provisional Ballots
Alabama	Provide ID	Provide ID	Provide ID	Address & Registration
Alaska	Provide ID	Provide ID	Provide ID	Signature
Arizona	Provide ID	Gov-issued Photo ID	Gov-issued Photo ID ¹	Address & Registration
Arkansas	Provide ID	Provide ID	Provide ID	Address & Registration
California	Sign Name	Sign Name	Sign Name	Signature
Colorado	Provide ID	Provide ID	Provide ID	Address & Registration
Connecticut	Provide ID	Provide ID	Provide ID	Affidavit
D.C.	Sign Name	Provide ID*	Sign Name	Address & Registration
Delaware	Provide ID	Provide ID	Provide ID	Affidavit
Florida	Photo ID ²	Photo ID	Photo ID	Signature
Georgia	Provide ID	Gov. Issued Photo ID	Gov. Issued Photo ID	Affidavit
Hawaii	Photo ID^^	Photo ID	Photo ID^^	Affidavit
Idaho	Sign Name	Provide ID*	Sign Name	EDR
Illinois	Give Name	Provide ID*	Match Sig.	Affidavit
Indiana	Sign Name	Gov. Issued Photo ID	Gov. Issued Photo ID	Bring ID Later
Iowa	Sign Name	Provide ID*	Sign Name	Bring ID Later
Kansas	Sign Name	Sign Name	Sign Name	Bring ID Later
Kentucky	Provide ID	Provide ID	Provide ID	Affidavit
Louisiana	Photo ID	Photo ID	Photo ID^	DOB and Address
Maine	Give Name	Provide ID*	Give Name	EDR
Maryland	Sign Name	Provide ID*	Sign Name	Bring ID Later
Mass.	Give Name	Provide ID*	Give Name	Affidavit
Michigan	Sign Name	Provide ID*	Sign Name	Bring ID Later
Minnesota	Sign Name	Provide ID*	Sign Name	EDR
Mississippi	Sign Name	Provide ID*	Sign Name	Affidavit
Missouri	Provide ID	Provide ID*	Provide ID	Address & Registration
Montana	Provide ID	Provide ID*	Provide ID	Bring ID Later
Nebraska	Sign Name	Provide ID*	Sign Name	Affidavit
Nevada	Match Sig.	Provide ID*	Match Sig.	Affidavit
New Jersey	Match Sig.	Provide ID*	Match Sig.	Bring ID Later
New Mexico	Sign Name	Provide ID	Provide ID	Bring ID Later
New York	Match Sig.	Provide ID*	Match Sig.	Affidavit
NH	Give Name	Provide ID	Give Name	EDR
North Carolina	Give Name	Provide ID*	Give Name	Varies
North Dakota	Provide ID	Provide ID	Provide ID	No Registration
Ohio	Match Sig.	Provide ID	Provide ID	Address & Registration
Oklahoma	Sign Name	Provide ID*	Sign Name	Address & Registration
Oregon	Match Sig.	Provide ID*	Match Sig.	Signature
Penn.	Match Sig.	Provide ID ⁴	Match Sig.	Address & Registration
Rhode Island	Give Name	Provide ID*	Give Name	Address & Registration

²⁰ See Appendix 1 for a more detailed summary, including citations and statutory language, of the identification requirements in each state.

South Carolina	Photo ID ⁵	Photo ID	Photo ID^^	Address & Registration
South Dakota	Photo ID ⁶	Photo ID	Photo ID^^	Affidavit
Tennessee	Provide ID	Provide ID ⁷	Provide ID	Affidavit
Texas	Provide ID	Provide ID ⁸	Provide ID	Bring ID Later
Utah	Give Name	Provide ID	Give Name	Bring ID Later
Vermont	Give Name	Provide ID	Give Name	Affidavit
Virginia	Provide ID	Provide ID	Provide ID	Affidavit
Washington	Sign Name	Provide ID	Provide ID	Address & Registration
West Virginia	Match Sig.	Provide ID	Match Sig.	Address & Registration
Wisconsin	Give Name	Provide ID	Give Name	Bring ID Later
Wyoming	Give Name	Provide ID	Give Name	Affidavit

* States applies only HAVA's ID requirement, applicable to first-time voters who registered by mail and did not provide applicable ID at the time of registration.

¹ Arizona voters who lack a photo ID may present 2 forms of ID with no photograph.

² Florida required a photo ID in 2004, but voters without that credential could sign an affidavit concerning their identity and eligibility and cast a regular ballot. Florida subsequently changed its law to require that voters present photo ID to cast a regular ballot, though voters without photo ID may still cast a provisional ballot by signing an affidavit, which ballot should ordinarily be counted.

³ Louisiana required a photo ID in 2004. Voters without that credential could sign an affidavit concerning their identity and eligibility and cast a regular ballot.

⁴ Pennsylvania requires ID of all first-time voters, whether they registered by mail or in-person.

⁵ Voters lacking a photo ID could vote by providing another form of ID in 2004.

⁶ Voters lacking a photo ID could vote by providing another form of ID in 2004.

⁷ Tennessee voters must provide signature and address. In counties without computerized lists, the signature is compared to the registration card. In counties with computerized lists, the signature is compared to a signature on ID presented with the registration.

⁸ Texas voters must present a current registration certificate. Those without a certificate can vote provisionally after completing an affidavit.

Relationship of Voter ID requirements to Turnout

The statistical analysis examined the potential variation in turnout rates based on the type of voter identification required in each state on Election Day 2004 using two sets of data: aggregate turnout data at the county level for each state, as compiled by the Eagleton Institute of Politics, and individual-level survey data included in the November 2004 Current Population Survey conducted by the U.S. Census Bureau.

The statistical analysis examined turnout among U.S. citizens of voting age in both the aggregate and the individual-level data. Determining citizenship status in the individual-level data simply involved restricting the analyses to individuals who identified themselves as citizens in the November 2004 Current Population Survey. (Those who said they were not citizens did not have the opportunity to answer the supplemental voting questions contained in the Current Population Survey.)

Findings of the statistical analysis

The analysis looked at the voter identification requirements in two ways, as a continuous variable and as a series of discrete variables. As a continuous variable the maximum voter identification requirements are ranked according to how demanding they were judged to be, with photo ID as the most demanding requirement. As discrete variables, the statistical analysis assume that stating name is the least demanding ID requirement and compare each other requirement to it.

The analysis treating the requirements as a continuous variable offers some statistical support for the premise that as the level of required proof increases, turnout declines. Averaging across counties in each state, statewide turnout is negatively correlated with maximum voter identification requirements ($r = -.30$, $p < .05$). In considering the array of minimum requirements, with affidavit as the most demanding requirement, however, the correlation between voter identification and turnout is negative, but it is not statistically significant ($r = -.20$, $p = .16$). This suggests that the relationship between turnout rates and minimum requirements may not be linear. Breaking down the turnout rates by type of requirement reveals in greater detail the relationship between voter identification requirements and voter turnout.

Table 2 – Variation in 2004 State Turnout Based on Voter Identification Requirements

Maximum Requirement		Minimum Requirement	
Voter Identification Required in the States	Mean Voter Turnout for States in that Category	Voter Identification Required in the States	Mean Voter Turnout for States in that Category
State Name	64.2 %	State Name	63.0 %
Sign Name	61.1 %	Sign Name	60.4 %
Match Signature	60.9 %	Match Signature	61.7 %
Provide Non-Photo ID	59.3 %	Provide Non-Photo ID	59.0 %
Provide Photo ID	58.1 %	Swear Affidavit	60.1 %
<i>Average Turnout (All States)</i>	60.9 %		

This table displays the mean turnout using the aggregate county level data for each state in 2004.

The aggregate data show that 60.9 percent of the estimated citizen voting age population voted in 2004. Differences in voter turnout at the state level in 2004 varied based on voter identification requirements. Taking into account the maximum requirements, an average of 64.6 percent of the voting age population turned out in states that required voters to state their names, compared to 58.1 percent in states that required photo identification. A similar trend

emerged when considering minimum requirements. Sixty-three percent of the voting age population turned out in states requiring voters to state their names, compared to 60.1 percent in states that required an affidavit from voters. Given the lack of a clear, consistent linear relationship between turnout and minimum identification requirements, however, we opted to treat the voter identification requirements as a series of dichotomous variables.²¹ (Dichotomous variables reflect either the presence or absence of a characteristic. In the dummy variable for non-photo ID, a state would be coded as 1 if it required non-photo ID, and 0 otherwise.)

Voter identification requirements are just one factor that might affect voter turnout. Multivariate models that take into account other predictors of turnout can paint a more complete picture of the relationship between voter identification requirements and turnout. This analysis estimated the effects of voter identification requirements in multivariate models that also took into account the electoral context in 2004 and demographic characteristics of the population in each county. While the model takes account of several important variables, statistical models do not capture all the messiness of the real world. It is a simplification of a complex reality, and its results should be treated with appropriate caution.

The model also took into account such variables as:

- Was the county in a presidential battleground state?
- Was the county was in a state with a competitive race for governor and/or the U.S. Senate?
- Percentage of the voting-age population in each county that was Hispanic or African-American²²
- Percentage of county residents age 65 and older
- Percentage of county residents below the poverty line

Another contextual factor to consider is voter registration requirements, such as the deadline for registration. As states set the deadline farther away from Election Day, the task of remembering

²¹ The voter identification requirements are coded as a series of dummy variables, coding each variable as one if the requirement existed in a given state, and zero otherwise. This yielded five dichotomous variables for maximum requirements (state name, sign name, match signature, non-photo identification, or photo identification), and five dichotomous variables for minimum requirements (state name, sign name, match signature, non-photo identification, or providing an affidavit). Omitted is the variable for stating one's name so that it could serve as the reference category in comparison with the other four identification requirements in each of the statistical analyses.

²² The U.S. Census projections for 2003 provided the data for the percentage of the voting-age population in each county that was Hispanic or African-American and for the percentage of county residents age 65 and older.

to register to vote becomes more challenging. Thus our model takes into account the number of days between each state's registration deadline and the election.

The dependent variable in each model using the aggregate data was voter turnout at the county level, with turnout calculated as the percentage of the citizen voting-age population that voted in the 2004 election.

The results of this modeling suggest that the stricter voter identification requirements of matching one's signature to a signature on file with election authorities or presenting a non-photo ID are associated with lower turnout compared to turnout in states that required voters to simply state their name, holding constant the electoral context and demographic variables.

Contextual factors, such as whether the county was in a battleground state or whether that state had a competitive race for governor and/or U.S. Senate, were associated with increased voter turnout. The time between the closing date for registration and the election was correlated with a slight negative effect on turnout. As the percentage of Hispanics in the county's population increased, turnout declined. The percentage of senior citizens in the county and household median income were associated with higher turnout. The percentage of African-Americans in the county did not have a significant effect in the model. The percentage of senior citizens in the county and household median income showed a positive correlation with turnout. In this aggregate model, the percentage of African-Americans in the county was not associated with a significant difference in turnout.

The relationship of the minimum voter identification requirements to turnout was not demonstrated. None of the dummy variables for voter identification requirements were statistically significant. (A "dummy variable" represents a particular attribute and has the value zero or one for each observation, e.g. 1 for male and 0 for female.) Being a battleground state and having a competitive statewide race were significant and positive, as was the percentage of senior citizens in the county and household median income. The percentage of Hispanics in the county's population continued to be associated with reduced turnout, as was the number of days between the closing date for registration and the election.²³

²³ This test incorporated a series of interactions between the maximum and minimum voter identification requirements and the percentage of African-Americans and Hispanics living in the counties. In each case the interactions did not improve the fit of the models to the data. See tables A-1 and A-2 in the appendix of Vercellotti's paper in the appendices.

Analysis of the aggregate data at the county level generates some support for the hypothesis that stricter identification requirements are correlated with lower turnout. For the maximum requirements, a signature match and non-photo identification –but not photo identification-- were correlated at a significant level with lower turnout in 2004, compared to requiring that voters simply state their names.

Aggregate data, however, cannot fully capture the individual demographic factors that may figure into the decision to turn out to vote.²⁴ Voter identification requirements could have a relationship to the turnout of particular groups of voters, in ways that county-level aggregate data on turnout would not capture. To explore the effects of voter identification requirements on turnout more completely, it is important to examine individual-level data as well.

Individual-level Analysis

Individual-level turnout data exists in the November 2004 Current Population Survey conducted by the U.S. Census Bureau. The Census Bureau conducts the CPS monthly to measure unemployment and other workforce data, but the bureau adds a battery of voter participation questions to the November survey in even-numbered years to coincide with either a presidential or midterm Congressional election.

One of the of the CPS is the sheer size of the sample. The survey's Voting and Registration Supplement consisted of interviews, either by telephone or in person, with 96,452 respondents.²⁵ The large sample size permits analyses of smaller groups, such as Black or Hispanic voters or voters with less than a high school education. The statistical analysis in relying on the CPS is based on reports from *self-described* registered voters. Omitted are those who said they were not registered to vote, as are those who said they cast absentee ballots because the identification requirements for absentee ballots may differ from those required when one votes in person. Eliminated from the sample are respondents who said they were not U.S. citizens, who in this survey were not asked the voter registration and turnout questions. In

²⁴ For example, previous research has found that education is a powerful determinant of turnout (Wolfinger and Rosenstone 1980, but see also Nagler 1991).²⁴ Married people also are more likely to vote than those who are not married (Alvarez and Ansolabehere 2002; Alvarez, Nagler and Wilson 2004; Fisher, Kenny, and Morton 1993).

²⁵ It is important to note that the Census Bureau allows respondents to answer on behalf of themselves and others in the household during the interview. While proxy reporting of voter turnout raises the possibility of inaccurate reports concerning whether another member of the household voted, follow-up interviews with those for whom a proxy report had been given in the November 1984 CPS showed 99 percent agreement between the proxy report and the information given by the follow-up respondent (U.S. Census Bureau 1990).

addition to the voter identification requirements, the models include other socioeconomic, demographic, and political environment factors that might have influenced turnout in 2004.²⁶ The dependent variable in these analyses is whether a respondent said he or she voted in the November 2004 election.²⁷

In the model, three of the voter identification requirements have a statistically significant correlation with whether survey respondents said they had voted in 2004. That is, compared to states that require voters only to state their names, the requirement to sign one's name, provide a non-photo ID, or photo ID in the maximum requirements or affidavit in the minimum is associated with lower turnout.

Of the other state factors, only the competitiveness of the presidential race showed a significant, correlation with increased turnout. In terms of demographic influences, African-American voters were more likely than white voters or other voters to say they had cast a ballot, while Asian-Americans were less likely than white or other voters to say they had turned out. Hispanic voters were not statistically different from white or other voters in terms of reported turnout. Consistent with previous research, income, and marital status all were positive predictors of voting. Women also were more likely to say they voted than men. Among the age categories, those ages 45 to 64 and 65 and older were more likely than those ages 18 to 24 to say they voted. Respondents who had earned a high school diploma, attended some college, graduated from college or attended graduate school were all more likely to say they voted than those who had not finished high school.

While the probit models provide statistical evidence for the relationship of voter identification requirements and other variables to turnout, probit coefficients do not lend themselves to intuitive interpretation.²⁸ Table 3 below shows predicted probabilities (calculated from the probit

²⁶ The models are estimated using probit analysis, which calculates the effects of independent variables on the probability that an event occurred – in this case whether a respondent said he or she voted and using robust standard errors to control for correlated error terms for observations from within the same state.

²⁷ The U.S. Census Bureau reported, based on the November 2004 CPS, that 89 percent of those who identified themselves as registered voters said they voted in 2004 (U.S. Census Bureau 2005). Previous research has shown that, generally speaking, some survey respondents overstate their incidence of voting. Researchers speculate that over-reports may be due to the social desirability that accompanies saying one has done his or her civic duty, or a reluctance to appear outside the mainstream of American political culture (U.S. Census Bureau 1990). It is also possible that voting is an indication of civic engagement that predisposes voters to agree to complete surveys at a higher rate than non-voters (Flanigan and Zingale 2002). Hence the voter turnout rates reported in the CPS tend to be up to 10 percentage points higher than the actual turnout rate for the nation (Flanigan and Zingale 2002). Even with this caveat, however, the CPS serves as a widely accepted source of data on voting behavior.

²⁸ A probit model is a popular specification of a generalized linear regression model, using the probit link function.

coefficients) of voting for each level of voter identification requirements while holding all other independent variables in the models at their means.²⁹

Table 3. Predicted probability of voter turnout – all voters		
	Maximum requirement	Minimum requirement
State name	91.7%	91.5%
Sign name	89.9%	90.2%
Match signature	Not significant	Not significant
Non-photo ID	89.0%	89.0%
Photo ID	88.8%	----
Affidavit	----	87.5%
Total difference from “state name” to “photo ID” or “affidavit”	2.9%	4.0%
N	54,973	
Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from stating one’s name to providing photo identification or an affidavit , with all other variables held constant.		
Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.		

Taking into account that signature matches were not a predictor of turnout, the differences in predicted probability decline from stating one’s name to providing a photo identification or affidavit. Voters in states that required photo identification were 2.7 percent less likely to vote than voters in states where individuals had to give their names.³⁰ In terms of the minimum requirement, voters in states that required an affidavit at minimum were 4 percent less likely to turn out than voters in states where they had to give their names.

The differences were more pronounced for those with fewer years of education. Constraining the model to show predicted probabilities only for those with less than a high school diploma, the probability of voting was 5.1 percent lower in states that required photo identification as the maximum requirement and 7 percent lower in states that required an affidavit as the minimum

²⁹ In the case of dichotomous independent variables, holding them at their mean amounted to holding them at the percentage of the sample that was coded 1 for the variable (Long 1997).

³⁰ The voter turnout percentages may seem disproportionately high compared to the turnout rates reported in the aggregate data analysis. It is important to consider that the turnout rates in the aggregate data were a proportion of all citizens of voting-age population, while the turnout rates for the individual-level data are the proportion of only registered voters who said they voted.

requirement compared to states where stating one's name was the maximum or minimum requirement.

Race and ethnicity have generated particular interest in the debate over voter ID requirements.³¹ The analysis using the aggregate data shed no light on the association between voter ID requirements and turnout for African-American and Hispanic voters. But in the models using the individual data, some significant relationships emerged for African-American, Hispanic and Asian citizens. For the entire population, the signature, non-photo identification and photo identification requirements all were associated with lower turnout compared to the requirement that voters simply state their names. These correlations translated into reduced probabilities of voting of about 3 to 4 percent for the entire sample, with larger differences for specific subgroups. For example, the predicted probability that Hispanics would vote in states that required non-photo identification was about 10 percentage points lower than in states where Hispanic voters gave their names. The difference was about 6 percent for African-Americans and Asian-Americans, and about 2 percent for white voters.

The model also showed that Hispanic voters were less likely to vote in states that required non-photo identification as opposed to stating one's name. Hispanic voters were 10 percent less likely to vote in non-photo identification states compared to states where voters only had to give their name.

More rigorous voter identification requirements were associated with lower turnout rates for Asian-American voters as well. Asian-American voters were 8.5 percent less likely to vote in states that required non-photo identification compared to states that require voters to state their names under the maximum requirements, and they were 6.1 percent less likely to vote where non-photo identification was the minimum requirement.

Conclusions of the Statistical Analysis

The statistical analysis found that, as voter identification requirements vary, voter turnout varies as well. This finding emerged from both the aggregate data and the individual-level data,

³¹ Incorporating discrete variables for Hispanics, African-Americans, and Asian-Americans into one model carries the implicit assumption that the remaining variables, including education and income, will influence each of these groups in a similar manner in terms of deciding whether to vote. These assumptions are not always born out by the data (see Leighley and Vedlitz, 1999.) To isolate the effects of voter identification and other variables on voter turnout within specific racial and ethnic groups, the sample is divided into sub-samples and the model re-run to calculate the data discussed and shown in Tables 5, 6, and 7 in Appendix C.

although not always for both the maximum and minimum sets of requirements. The overall relationship between ID requirements and turnout for all registered voters was fairly small, but still statistically significant.

In the aggregate data, the match-signature requirement and the provide-a-non-photo ID requirement were correlated with lower turnout compared to requiring that voters state their names. But the photo-ID requirement did not have an effect that was statistically significant, possibly because in 2004 each state requiring a photo-ID provided an alternative way to cast a regular ballot for voters who lacked that document.

In the model using the individual-level data the signature, non-photo ID, and photo ID requirements were all correlated with lower turnout compared to the requirement that voters simply state their names (in the entire sample and for white voters, but the statistical significance may be an artifact of the very large sample size). That the non-photo identification requirement was the most consistent in terms of statistical significance across the groups is intriguing given the intense debates surrounding photo identification requirements.

Significant questions about the relationship between voter identification requirements and turnout remain unanswered. The data examined in the statistical analysis could not capture the dynamics of how identification requirements might lower turnout, nor could they rule out that other attributes of a state's electoral system might explain the statistically significant correlations that the study found. If ID requirements dampen turnout, is it because individuals are aware of the requirements and stay away from the polls because they cannot or do not want to meet the requirements? Or, do the requirements result in some voters being turned away when they cannot meet the requirements on Election Day, or forced to cast a provisional ballot that is not ultimately counted? The CPS data do not include measures that can answer this question. Knowing more about the "on the ground" experiences of voters concerning identification requirements could guide policy-makers at the state and local level in determining whether and at what point in the electoral cycle a concerted public information campaign might be most effective in helping voters to meet identification requirements. Such knowledge also could help in designing training for election judges to handle questions about, and potential disputes over, voter identification requirements.

Litigation Over Voter ID Requirements

A handful of cases have challenged identification requirements in court in recent years. In general, requirements that voters provide some identifying documentation have been upheld, where photo ID is *not* the only acceptable form. Whether laws requiring photo ID will be upheld is more doubtful. To date, only two cases have considered laws requiring voters to show photo ID (*Common Cause v. Billups* and *Indiana Democratic Party v. Rokita*). Cases challenging the mandatory disclosure of voters' Social Security numbers on privacy grounds have yielded mixed results.

Non-photo identification. For the most part, courts have looked favorably on requirements that voters present some form of identifying documents if the photo identification is not the only form accepted. In *Colorado Common Cause v. Davidson*, No. 04CV7709, 2004 WL 2360485, at *1 (Colo. Dist. Ct. Oct. 18, 2004), plaintiffs challenged a law requiring all in-person voters to show identification (not just first-time registrants). The court upheld this requirement against a constitutional challenge. Similarly, in *League of Women Voters v. Blackwell*, 340 F. Supp. 2d 823 (N.D. Ohio 2004), the court rejected a challenge to an Ohio directive requiring first-time voters who registered by mail to provide one of the HAVA-permitted forms of identification, in order to have their provisional ballots counted. Specifically, the directive provided that their provisional ballots would be counted if the voter (a) orally recited his driver's license number or the last four digits of his social security number or (b) returned to the polling place before it closed with some acceptable identification (including reciting those identification numbers). *Id.* This was found to be consistent with HAVA.

Photo ID. Since the 2004 election, two states have adopted laws requiring photo identification at the polls in order to have one's vote counted, without an affidavit exception: Georgia and Indiana.³² Both these requirements were enacted in 2005 and both have been challenged in court. The Georgia law required voters attempting to cast a ballot in person present a valid form of photographic identification. O.C.G.A. § 21-2-417. On October 18, 2005, the District Court granted the plaintiffs' motion for a preliminary injunction, enjoining the application of the new identification requirements on constitutional grounds. In granting the injunction, the court held that plaintiffs' claims under both the Fourteenth Amendment (equal protection) and Twenty-Fourth Amendment (poll tax) had a

³² Indiana's law does allow voters without ID to cast provisional ballots, and then to appear before the county board of elections to execute an affidavit saying that they are indigent and unable to obtain the requisite ID without payment of a fee. But in contrast to other states, voters cannot cast a ballot that will be counted by submitting an affidavit at the polls, affirming that they are the registered voter and are otherwise eligible to vote.

substantial likelihood of succeeding on the merits at trial (*Common Cause v. Billups*, Prelim. Inj. 96, 104). In January 2006, Georgia enacted a modified version of its photo ID law, which the court has not yet ruled on. In the other state that has enacted a photo ID requirement (Indiana), legal challenges have also been filed. (*Indiana Democratic Party v. Rokita* and *Crawford v. Marion County Election Board*). On April 14, 2006, the district court granted defendants' motion for summary judgment, concluding that plaintiffs had failed to produce evidence showing that the state's ID law would have an adverse impact on voters. Another case of significance, for purposes of photo ID requirements, is *American Civil Liberties Union of Minnesota v. Kiffmeyer*, No. 04-CV-4653, 2004 WL 2428690, at *1 (D. Minn. Oct. 28, 2004). In that case, the court enjoined a Minnesota law that allowed the use of tribal photo ID cards, only for an Indian who lived on the reservation. 2004 WL 2428690, at *1. The Court found no rational basis for distinguishing based on whether or not the cardholder lives on the reservation. *Id.* at *1, 3. These decisions indicate that courts are likely to carefully scrutinize the evidence regarding the impact of photo ID requirements.

Privacy. In *Greidinger v. Davis*, 988 F.2d 1344 (4th Cir. 1993), the court struck down on due process grounds a Virginia law requiring disclosure of voters' social security numbers for voter registration. The social security numbers recorded in voter registration lists had been disclosed to the public and political parties that had requested the lists. The court found that the requirement to give the social security number effectively conditioned rights on the consent to an invasion of privacy. It concluded that this public disclosure of the social security numbers was not necessary to achieve the government's interest in preventing fraud. On the other hand, in *McKay v. Thompson*, 226 F.3d 752 (6th Cir. 2000), the court rejected privacy challenges based on both the Constitution and federal statutes, to a Tennessee law requiring social security numbers for voter registration since 1972. 226 F.3d at 755. Second, the NVRA only permits requiring the minimum amount of information necessary to prevent duplicate voter registration and to determine eligibility. The distinction appears to be between the use of Social Security numbers for internal purposes only, which was deemed permissible, and the disclosure of those numbers to the public which was not.

These decisions suggest that the courts will carefully scrutinize the evidence, where states require that voters produce a photo ID in order to cast a regular ballot. The courts have used a

balancing test to weigh the legitimate interest in preventing election fraud against the citizen's right to privacy (protecting social security numbers from public disclosure, for example) and the reasonableness of requirements for identity documents. To provide both the clarity and certainty in administration of elections needed to forestall destabilizing challenges to outcomes, these early decisions suggest that best practice may be to limit requirements for voter identification to the minimum needed to prevent duplicate registration and ensure eligibility.

Developments since 2004

Since the passage of HAVA, with its limited requirements for voter identification, and following the 2004 election, debate over voter ID has taken place in state legislatures across the country. That debate has not been characterized by solid information on the consequences of tightening requirements for voters to identify themselves before being permitted to cast a regular, rather than a provisional, ballot.

Better information might improve the quality of the debate. Answers to the following key questions are not available in a form that might satisfy those on both sides of the argument.

- What is the overall incidence of vote fraud?
- How does fraud take place in the various stage of the process: registration, voting at the polls, absentee voting, or ballot counting?
- What contribution can tighter requirements for voter ID make to reducing vote fraud?
- What would be the other consequences of increasingly demanding requirements for voters to identify themselves? This is the question addressed, within the limits of the available data, in the analysis in this report.

Answering these questions would provide the information needed for more informed judgement in the states as they consider the tradeoffs among the competing goals of ballot integrity, ballot access, and administrative efficiency. The Carter-Baker Commission recognized the tradeoffs when it tied recommendation for national ID to an affirmative effort by government to identify unregistered voters and make it easy for them to register.

State Voter Databases and Voter ID

With the implementation of the HAVA Computerized Statewide Voter Registration List, an application for voter registration for an election for Federal office may not be accepted or processed unless the application includes a driver's license number or last four digits of the

Social Security number on the voter registration form. This information can be used to verify the identity of the registrant through interfacing with lists maintained by the Motor Vehicle office and Social Security office. If registrants do not have either a driver's license or Social Security number, the State will assign a unique identifier number to that person.

Some states are wrestling now with these unresolved issues. In New Jersey, for example, pending legislation would require that voters must be able to confirm their registration through a secure access to the Statewide Voter Registration List. It also requires voters to present ID at the polls in order to cast a regular ballot if the numbers recorded on the registration have not been verified (or if no verifiable number appears on the registration). It recognizes the HAVA requirement that if the number provided by the voter has not been verified and if the voter does not present ID at the polls, that voter may cast a provisional ballot. The bill does not specify they have to provide ID within 48 hours in order for their vote to count, as is the case with first-time mail-in registrants.

As some states gain experience in this area, the EAC would perform a useful service by making timely recommendations of best practices for all states to consider.

Conclusions

The analysis of voter ID requirements is complex. It takes into account important values associated with an electoral process, such as ballot access and integrity. The continuing effort to understand how voter ID requirements may affect turnout and the integrity of the ballot could benefit from additional factual information, including statistical analyses. Our research includes a statistical study of this kind. It indicated that the level of voter turnout in a state is correlated with the stringency of the voter ID requirement imposed by that state. Additional empirical research of this nature, with additional data collected by or for the EAC, would further illuminate the relationship between stricter voter ID rules and turnout, perhaps explaining if awareness of a strict ID requirement tends to discourage would-be voters from going to the polls. Or, additional research may shed light on whether, if voters did go to the polls, stricter Voter ID requirements will divert more voters into the line for provisional ballots. The consequence of increased reliance on provisional ballots can be longer lines at the polls and confusion, without necessarily a clear demonstration that the security of the ballot is correspondingly increased.³³

³³ In this connection, the Brennan Center's response to the Carter-Baker Commission report observes that, "while it might be true that in a close election "a small amount of fraud could make the margin of

The debate over voter ID in the states would be improved by additional research sponsored by the EAC. That might include longitudinal studies of jurisdictions that have changed voter ID requirements, as well as precinct-level analyses that would allow more finely tuned assessment of the correlation between stricter identification requirements and turnouts. Further research could also identify methods to eliminate the need for voters to bring specific identity documents with them to the polls, while assuring that each voter who casts a ballot is eligible and votes only once.

difference,” it is equally true that the rejection of a much larger number of eligible voters could make a much bigger difference in the outcome.” *Response to the Report of the 2005 Commission on Federal Election Reform*, The Brennan Center for Justice at NYU School of Law and Spencer Overton, On Behalf Of The National Network on State Election Reform, September 19, 2005

**APPENDIX A: SUMMARY OF VOTER IDENTIFICATION
REQUIREMENTS BY STATE**

**Sara A. Sampson
Reference Librarian
Moritz College of Law
June 28, 2006**

Voter ID Requirements

State Forms of ID
Required 2004

Statutory Language

Statutory Citation

Alabama

Provide ID

(b) Each elector shall provide identification to an appropriate election official prior to voting. A voter required to show identification when voting in person shall present to the appropriate election official either of the following forms of identification:

(1) A current valid photo identification.

(2) A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

The term "other government document" may include, but is not limited to, any of the following:

a. A valid identification card issued by a branch, department, agency, or entity of the State of Alabama, any other state, or the United States authorized by law to issue personal identification.

b. A valid United States passport.

c. A valid Alabama hunting or fishing license.

d. A valid Alabama permit to carry a pistol or revolver.

e. A valid pilot's license issued by the Federal Aviation Administration or other authorized agency of the United States.

f. A valid United States military identification card.

g. A certified copy of the elector's birth certificate.

h. A valid Social Security card.

i. Certified naturalization documentation.

j. A certified copy of court records showing adoption or name change.

k. A valid Medicaid card, Medicare card, or an Electronic Benefits Transfer Card (formerly referred to as a "food stamp card").

(c) For voters required to show identification when voting by mail, the voter shall submit with the ballot a copy of one of the forms of identification listed in subsection (b).

(e) An individual required to present identification in accordance with this section who is unable to meet the identification requirements of this section shall be permitted to vote by a challenged or provisional ballot, as provided for by law.

(f) In addition, an individual who does not have identification in his or her possession at the polls shall be permitted to vote if the individual is positively identified by two election officials as a voter on the poll list who is eligible to vote and the election official signs the voters list by where the voter signs.

Effective Date: June 24, 2003

Alaska

Provide ID

(a) Before being allowed to vote, each voter shall exhibit to an election official one form of identification, including

(1) an official voter registration card, driver's license, state identification card, current and valid photo identification, birth certificate, passport, or hunting or fishing license; or

(2) an original or a copy of a current utility bill, bank statement, paycheck, government check, or other government document; an item exhibited under this paragraph must show the name and current address of the voter.

(b) An election official may waive the identification requirement if the election official knows the identity of the voter. The identification requirement may not be waived for voters who are first-time voters who initially registered by mail or by facsimile or other electronic transmission approved by the director under [AS 15.07.050](#), and did not provide identification as required in [AS 15.07.060](#).

Ala. Code § 17-11A-1

Alaska Stat. § 15.15.225

(c) A voter who cannot exhibit a required form of identification shall be allowed to vote a questioned ballot.

effective June 17, 2003

Arizona	Provide ID	<p>B. If a statewide voter registration database is not yet operational, for any person who has registered to vote by mail for the first time in this state after January 1, 2003 or who is reregistering by mail after January 1, 2003 after moving from one county to another county in this state, the person shall comply with the following in order to be issued a ballot:</p> <p>1. The person shall present either one of the following:</p> <p>(a) A current form of identification that bears a photograph of the person and the name of the person.</p> <p>(b) A current utility bill, bank statement, paycheck, government issued check or other government document that shows the name and registration address of the person.</p> <p>2. If the person does not present a document that complies with paragraph 1, the person is only eligible to vote a provisional ballot as prescribed by § 16-584.</p>	Ariz. Rev. Stat. Ann. § 16-579
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Arkansas	Provide ID	<p>Effective Dec. 1, 2003 7-5-305. Requirements.</p> <p>(a) Before a person is permitted to vote, the election official shall:</p> <p>(1) Request the voter to identify himself in order to verify the existence of his name on the precinct voter registration list;</p> <p>(2) Request the voter, in the presence of the election official, to state his address and state or confirm his date of birth;</p> <p>(3) Determine that the voter's date of birth and address are the same as those on the precinct voter registration list;</p> <p>(4) If the date of birth given by the voter is not the same as that on the precinct voter registration list, request the voter to provide identification as the election official deems appropriate;</p> <p>(5)(A) If the voter's address is not the same as that on the precinct voter registration list, verify with the county clerk that the address is within the precinct.</p> <p>(B) If the address is within the precinct, request the voter to complete a voter registration application form for the purpose of updating county voter registration record files.</p> <p>(C) If the address is not within the precinct, instruct the voter to contact the county clerk's office to determine the proper precinct;</p> <p>(6) If the voter's name is not the same as that on the precinct voter registration list, request the voter to complete a voter registration application form for purposes of updating county voter registration record files;</p> <p>(7) Request the voter, in the presence of the election official, to sign his name, including his given name, his middle name or initial, if any, and his last name in the space provided on the precinct voter registration list. If a person is unable to sign his signature or make his mark or cross, the election official shall enter his initials and the voter's date of birth in the space for the person's signature on the precinct voter registration list; and</p> <p>(8)(A) Request the voter for purposes of identification to provide a valid driver's license, photo identification card issued by a governmental agency, voter card, social security card, birth certificate, United States passport, employee identification card issued by a governmental agency containing a photograph, employee identification card issued in the normal course of business of the employer, student identification card, Arkansas hunting license, or United States military identification card.</p>	Arkansas Code Annotated § 7-5-305
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(B)(i) If a voter is unable to provide this identification, the election official shall indicate on the precinct voter registration list that the voter did not provide identification.

(ii) Following each election, the county board of election commissioners may review the precinct voter registration lists and may provide the information of the voters not providing identification at the polls to the prosecuting attorney.

(iii) The prosecuting attorney may investigate possible voter fraud; and

(9) Follow the procedures under §§ 7-5-310, 7-5-311, and 7-5-523, if the person is a disabled voter and presents himself or herself to vote.

California	Sign Name	<p>Effective: July 16, 2003</p> <p>Any person desiring to vote shall announce his or her name and address in an audible tone of voice, and when one of the precinct officers finds the name in the index, the officer shall in a like manner repeat the name and address. The voter shall then write his or her name and residence address or, if the voter is unable to write, shall have the name and residence address written by another person on a roster of voters provided for that purpose, whereupon a challenge may be interposed as provided in this article.</p> <p>(Enacted in 1994, no amendments since)</p>	Cal. Elec. Code § 14216
Colorado	Provide ID	<p>(1) Except as provided in subsection (4) of this section, any eligible elector desiring to vote shall show his or her identification as defined in section 1-1-104(19.5), write his or her name and address on the signature card, and give the signature card to one of the election judges,</p> <p>* * *</p> <p>(4) An eligible elector who is unable to produce identification may cast a provisional ballot in accordance with article 8.5 of this title.</p> <p>(19.5)(a) "Identification" means:</p> <p>(I) A valid Colorado driver's license;</p> <p>(II) A valid identification card issued by the department of revenue in accordance with the requirements of part 3 of article 2 of title 42, C.R.S.;</p> <p>(III) A valid United States passport;</p> <p>(IV) A valid employee identification card with a photograph of the eligible elector issued by any branch, department, agency, or entity of the United States government or of this state, or by any county, municipality, board, authority, or other political subdivision of this state;</p> <p>(V) A valid pilot's license issued by the federal aviation administration or other authorized agency of the United States;</p> <p>(VI) A valid United States military identification card with a photograph of the eligible elector;</p> <p>(VII) A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector;</p> <p>(VIII) A valid medicare or medicaid card issued by the United States health care financing administration;</p> <p>(IX) A certified copy of a birth certificate for the elector issued in the United States; or</p> <p>(X) Certified documentation of naturalization.</p>	Colo. Rev. Stat. Ann. § 1-7-110; Colo. Rev. Stat. Ann. § 1-1-104

(b) Any form of identification indicated in paragraph (a) of this subsection (19.5) that shows the address of the eligible elector shall be considered identification only if the address is in the state of Colorado.

Connecticut	Provide ID	<p>Effective 5/28/2004</p> <p>(a) In each primary, election or referendum, when an elector has entered the polling place, the elector shall announce the elector's street address, if any, and the elector's name to the checkers in a tone sufficiently loud and clear as to enable all the election officials present to hear the same. Each elector who registered to vote by mail for the first time on or after January 1, 2003, and has a "mark" next to the elector's name on the official registry list, as required by section 9-23r, shall present to the checkers, before the elector votes, either a current and valid photo identification that shows the elector's name and address or a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the elector. Each other elector shall (1) present to the checkers the elector's Social Security card or any other preprinted form of identification which shows the elector's name and either the elector's address, signature or photograph, or (2) on a form prescribed by the Secretary of the State, write the elector's residential address and date of birth, print the elector's name and sign a statement under penalty of false statement that the elector is the elector whose name appears on the official checklist. Such form shall clearly state the penalty of false statement. A separate such form shall be used for each elector. If the elector presents a preprinted form of identification under subdivision (1) of this subsection, the checkers shall check the name of such elector on the official checklist. If the elector completes the form under subdivision (2) of this subsection, the assistant registrar of voters shall examine the information on such form and either instruct the checkers to check the name of such elector on the official checklist or notify the elector that the form is incomplete or inaccurate.</p>	Conn. Gen. Stat. Ann. § 9-261
Delaware	Provide ID	<p>Effective May 10., 2004</p> <p>(a) A voter, upon entering the room where an election is being held, shall announce his or her name and address and provide proof of identity, whereupon the clerks shall place a mark or make a notation of his or her name upon the election district record. In the event the voter does not have proof of identity with them, he or she shall sign an affidavit of affirmation that he or she is the person listed on the election district record.</p>	15 Del. Code § 4937
D.C.	Sign Name	<p>Effective: July 9, 2002</p> <p>(i)(1) A person shall be entitled to vote in an election in the District of Columbia if he or she is a duly registered voter. A qualified elector shall be considered duly registered in the District if he or she has met the requirements for voter registration and, on the day of the election, either resides at the address listed on the Board's records or files an election day change of address pursuant to this subsection.</p> <p>(2) Each registered voter who changes his or her place of residence from that listed on the Board's records shall notify the Board, in writing, of the new residence address. A change of address shall be effective on the date the notification was mailed as shown by the United States Postal Service postmark. If not postmarked, the notification shall be effective on the date of receipt by the Board. Change of address notifications from registrants shall be accepted pursuant to subsection (g) of this section, except that any registrant who has not notified the Board of his or her current residence address by the deadline established by subsection (g) of this section may be permitted to vote at the polling place that serves the current residence address by filing an election day change of address notice pursuant to paragraph (4) of this subsection.</p> <p>(3) Each registered voter who votes at a polling place on election day shall affirm his or her residence address as it appears on the official registration roll for the precinct. The act of signing a copy of the official registration roll for the precinct shall be deemed affirmation of the voter's address as it appears on the Board's registration records.</p>	D.C. Code § 1-1001.07

(Effective April 3, 2001)(not added as part of 2005 amendment)

Florida

Photo ID

101.043 (1) The precinct register, as prescribed in [s. 98.461](#), shall be used at the polls in lieu of the registration books for the purpose of identifying the elector at the polls prior to allowing him or her to vote. The clerk or inspector shall require each elector, upon entering the polling place, to present a current and valid picture identification as provided in [s. 97.0535\(3\)\(a\)](#). If the picture identification does not contain the signature of the voter, an additional identification that provides the voter's signature shall be required. The elector shall sign his or her name in the space provided, and the clerk or inspector shall compare the signature with that on the identification provided by the elector and enter his or her initials in the space provided and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector.

(2) Except as provided in subsection (3), if the elector fails to furnish the required identification, or if the clerk or inspector is in doubt as to the identity of the elector, such clerk or inspector shall follow the procedure prescribed in [s. 101.49](#).

97.0535 (3)(a) The following forms of identification shall be considered current and valid if they contain the name and photograph of the applicant and have not expired:

1. Florida driver's license.
2. Florida identification card issued by the Department of Highway Safety and Motor Vehicles.
3. United States passport.
4. Employee badge or identification.
5. Buyer's club identification.
6. Debit or credit card.
7. Military identification.
8. Student identification.
9. Retirement center identification.
10. Neighborhood association identification.
11. Entertainment identification.
12. Public assistance identification.

(b) The following forms of identification shall be considered current and valid if they contain the name and current residence address of the applicant:

1. Utility bill.
2. Bank statement.
3. Government check.
4. Paycheck.
5. Other government document (excluding voter identification card).

West's Fla.
Stat. Ann. §
101.043
& West's Fla.
Stat. Ann. §
97.0535

Georgia

Provide ID

Version effective 1/1/2005-12/31/2005

(a) Each elector shall present proper identification to a poll worker at or prior to completion of a voter's certificate at any polling place and prior to such person's admission to the enclosed space at such polling place. Proper identification shall consist of any one of the following:

- (1) A valid Georgia driver's license;
- (2) A valid identification card issued by a branch, department, agency, or entity of the State of Georgia, any other state, or the United States authorized by law to issue personal identification;
- (3) A valid United States passport;
- (4) A valid employee identification card containing a photograph of the elector and issued by any branch, department, agency, or entity of the United States government, this state, or any county, municipality, board, authority, or other entity of this state;
- (5) A valid employee identification card containing a photograph of the elector and issued by any employer of the elector in the ordinary course of such employer's business;
- (6) A valid student identification card containing a photograph of the elector from any public or private college, university, or postgraduate technical or professional school located within the State of Georgia;
- (7) A valid Georgia license to carry a pistol or revolver;
- (8) A valid pilot's license issued by the Federal Aviation Administration or other authorized agency of the United States;
- (9) A valid United States military identification card;
- (10) A certified copy of the elector's birth certificate;
- (11) A valid social security card;
- (12) Certified naturalization documentation;
- (13) A certified copy of court records showing adoption, name, or sex change;
- (14) A current utility bill, or a legible copy thereof, showing the name and address of the elector;
- (15) A bank statement, or a legible copy thereof, showing the name and address of the elector;
- (16) A government check or paycheck, or a legible copy thereof, showing the name and address of the elector; or
- (17) A government document, or a legible copy thereof, showing the name and address of the elector.

(b) If an elector is unable to produce any of the items of identification listed in subsection (a) of this Code section, he or she shall sign a statement under oath in a form approved by the Secretary of State, separate and distinct from the elector's voter certificate, swearing or affirming that he or she is the person identified on the elector's voter certificate. Such person shall be allowed to vote without undue delay; provided, however, that an elector who registered for the first time in this state by mail and did not provide one of the forms of identification set forth in subsection (a) of this Code section at the time of registration and who is voting for the first time may vote a provisional ballot pursuant to Code Section 21-2-418 upon swearing or affirming that the elector is the person identified in the elector's voter certificate. Such provisional ballot shall only be counted if the registrars are able to verify current and valid identification of the elector as provided in this Code section within the time period for verifying provisional ballots pursuant to Code Section 21-2-419. Falsely swearing or affirming such statement under oath shall be punishable as a felony, and the penalty shall be distinctly set forth on the face of the statement."

Ga. Code. Ann.
§ 21-2-417

Hawaii

Photo ID

effective June, 2003

(b) The voter shall present valid identification to the official in charge of the pollbook.

Haw. Code. R.
§ 2-51-80
(Paper ballots;
voting
procedure at the
polls), § 2-51-
83 (Punchcard

ballots; voting procedure at polls), 2-51-85.1 (Marksense ballots; voting procedure at the polls.) – All have same subsection (b)

Haw. Code. R. T. 2, SUBT. 4, CH. 51, Appendix

Do I Need an I.D. to Vote on Election Day?

Yes. Be sure to have an I.D. with a picture and signature (such as a Hawaii driver's license or state I.D. card) when you go to vote. The NVRAC card is not an acceptable form of identification.

From the 2004 version of the administrative code.

§ 11-136 Poll book, identification, voting.

Every person upon applying to vote shall sign the person's name in the poll book prepared for that purpose. This requirement may be waived by the chairperson of the precinct officials if for reasons of illiteracy or blindness or other physical disability the voter is unable to write. Every person shall provide identification if so requested by a precinct official. A poll book shall not contain the social security number of any person.

HRS 11-136

After signing the poll book and receiving the voter's ballot, the voter shall proceed to the voting booth to vote according to the voting system in use in the voter's precinct. The precinct official may, and upon request shall, explain to the voter the mode of voting.

Last amended 2003.

Idaho

Sign Name

(1) An elector desiring to vote shall state his name and address to the judge or clerk in charge of the combination election record and poll book.

Id. St. §34-1106

(2) Before receiving his ballot, each elector shall sign his name in the combination election record and poll book following his name therein.

(5) The elector shall then be given the appropriate ballots which have been stamped with the official election stamp and shall be given folding instructions for such ballots.

Illinois

Give Name

(Last amended in 1972)

Any person desiring to vote shall give his name and, if required to do so, his residence to the judges of election, one of whom shall thereupon announce the same in a loud and distinct tone of voice, clear, and audible; the judges of elections shall check each application for ballot against the list of voters registered in that precinct to whom absentee or early ballots have been issued for that election, which shall be provided by the election authority and which list shall be available for inspection by pollwatchers. A voter applying to vote in the precinct on election day whose name appears on the list as having been issued an absentee or early ballot shall not be permitted to vote in the precinct. All applicable provisions of Articles 4, 5 or 6 shall be complied with and if such name is found on the register of voters by the officer having charge thereof, he shall likewise repeat said name, and the voter shall be allowed to enter within the proximity of the voting booths, as above provided. One of the judges shall give the voter one, and only one of each ballot to be voted at the election, on the back of which ballots such judge shall indorse his initials in such manner that they may be seen when each such ballot is properly folded, and the voter's name shall be immediately checked on the register list. In those election jurisdictions where perforated ballot cards are utilized of the type on which write-in votes can be

10 Ill. Comp. Stat. 5/17-9

cast above the perforation, the election authority shall provide a space both above and below the perforation for the judge's initials, and the judge shall endorse his or her initials in both spaces. Whenever a proposal for a constitutional amendment or for the calling of a constitutional convention is to be voted upon at the election, the separate blue ballot or ballots pertaining thereto shall, when being handed to the voter, be placed on top of the other ballots to be voted at the election in such manner that the legend appearing on the back thereof, as prescribed in Section 16-6 of this Act, shall be plainly visible to the voter. At all elections, when a registry may be required, if the name of any person so desiring to vote at such election is not found on the register of voters, he or she shall not receive a ballot until he or she shall have complied with the law prescribing the manner and conditions of voting by unregistered voters. If any person desiring to vote at any election shall be challenged, he or she shall not receive a ballot until he or she shall have established his right to vote in the manner provided hereinafter; and if he or she shall be challenged after he has received his ballot, he shall not be permitted to vote until he or she has fully complied with such requirements of the law upon being challenged. Besides the election officer, not more than 2 voters in excess of the whole number of voting booths provided shall be allowed within the proximity of the voting booths at one time. The provisions of this Act, so far as they require the registration of voters as a condition to their being allowed to vote shall not apply to persons otherwise entitled to vote, who are, at the time of the election, or at any time within 60 days prior to such election have been engaged in the military or naval service of the United States, and who appear personally at the polling place on election day and produce to the judges of election satisfactory evidence thereof, but such persons, if otherwise qualified to vote, shall be permitted to vote at such election without previous registration.

Indiana Sign Name

Iowa Sign Name

1. The board members of their respective precincts shall have charge of the ballots and furnish them to the voters. Any person desiring to vote shall sign a voter's declaration provided by the officials, in substantially the following form:

West's
Annotated
Indiana Code §
3-11-8-25
Iowa Code §
49.77

VOTER'S DECLARATION OF ELIGIBILITY

I do solemnly swear or affirm that I am a resident of the precinct, ward or township, city of, county of, Iowa.

I am a registered voter. I have not voted and will not vote in any other precinct in said election.

I understand that any false statement in this declaration is a criminal offense punishable as provided by law.

Signature of Voter

Address

Telephone

Approved:

Board Member

2. One of the precinct election officials shall announce the voter's name aloud for the benefit of any persons present pursuant to section 49.104, subsection 2, 3, or 5. Any of those persons may upon request view the signed declarations of eligibility and may review the signed declarations on file so long as the person

does not interfere with the functions of the precinct election officials.

3. A precinct election official shall require any person whose name does not appear on the election register as an active voter to show identification. Specific documents which are acceptable forms of identification shall be prescribed by the state commissioner.

A precinct election official may require of the voter unknown to the official, identification upon which the voter's signature or mark appears. If identification is established to the satisfaction of the precinct election officials, the person may then be allowed to vote.

Kansas	Sign Name	(From 2004 version of Iowa Annotated Code; effective January 1, 1995) (b) A person desiring to vote shall provide to the election board: (1) the voter's name; (2) if required, the voter's address; and (3) the voter's signature on the registration or poll book. A signature may be made by mark, initials, typewriter, print, stamp, symbol or any other manner if by placing the signature on the document the person intends the signature to be binding. A signature may be made by another person at the voter's direction if the signature reflects such voter's intention. (Approved April 14, 2004, 2004 Kansas Laws Ch. 93)	Kan. Stat. Ann. § 25-2908(b)
Kentucky	Provide ID	117.227 Confirmation of voter's identity Election officers shall confirm the identity of each voter by personal acquaintance or by a document, such as a motor vehicle operator's license, Social Security card, or credit card. The election officer confirming the identity shall sign the precinct voter roster and list the method of identification. Effective: 7/15/02 31 KAR 4:010. Voter identification cards.	Ky Rev. Stat. Ann. 117.227 31 Ky. Admin. Regs. 4:010.
Louisiana	Photo ID	A. Identification of voters. (1) A person who desires to vote in a primary or general election shall give his name and address to a commissioner, who shall announce the applicant's name and address to the persons at the polling place. (2) Each applicant shall identify himself, in the presence and view of the bystanders, and present to the commissioners a Louisiana driver's license, a Louisiana special identification card issued pursuant to R.S. 40:1321 , or other generally recognized picture identification card. If the applicant does not have a Louisiana driver's license, a Louisiana special identification card, or other generally recognized picture identification card, the applicant shall sign an affidavit, which is supplied by the secretary of state, to that effect before the commissioners who shall place the affidavit in the envelope marked "Registrar of Voters" and attach the envelope to the precinct register, and the applicant shall provide further identification by presenting his current registration certificate, giving his date of birth or providing other information stated in the precinct register that is requested by the commissioners. However, an applicant that is allowed to vote without the picture identification required by this Paragraph is subject to challenge as provided in R.S. 18:565 . Effective: 1/1/2002	La. Rev. Stat. Ann. 18:562

Maine	Give Name	<p>The voting procedure is as follows.</p> <p>1. Name announced. A voter who wishes to vote must state the voter's name and, upon request, residence address to an election clerk who shall announce the name in a loud, clear voice.</p> <p>(In effect at time of 2003 amendment: 2003, c. 584, § 9)</p>	Me. Rev. Stat. Ann. tit. 21-A, § 671
Maryland	Sign Name	<p>10-310.</p> <p>(a) For each individual who seeks to vote, an election judge, in accordance with instructions provided by the local board, shall:</p> <p>(1) locate the individual's name in the precinct register and locate the preprinted voting authority card and then authorize the individual to vote a regular ballot;</p> <p>(2)(i) if the individual's name is not found on the precinct register, search the inactive list and if the name is found, authorize the individual to vote a regular ballot; or</p> <p>(ii) if the individual's name is not on the inactive list, refer the individual for provisional ballot voting under § 9-404 of this article;</p> <p>(3) establish the identity of the voter by requesting the voter to state the month and day of the voter's birth and comparing the response to the information listed in the precinct register;</p> <p>(4) verify the address of the voter's residence;</p> <p>(5) if any changes to the voting authority card are indicated by a voter, make the appropriate changes in information on the card or other appropriate form; and</p> <p>(6) have the voter sign the voting authority card and either issue the voter a ballot or send the voter to a machine to vote.</p>	Md. Elec. Law § 10-310
Mass.	Give Name	<p>Each voter desiring to vote at a polling place shall give his name and, if requested, his residence to one of the officers at the entrance to the space within the guard rail, who shall thereupon distinctly announce the same. If such name is found on the voting list, the election officer shall check and repeat the name and shall admit the voter to the space enclosed by the guard rail and, in case official ballots, other than those marked "Challenged Ballots" as provided by section thirty-five A, are used, such voter shall be given one ballot. The use of electronic means such as tape recording equipment or radio broadcasting equipment for the recording or broadcasting of the names of voters not yet checked as having voted shall be prohibited.</p> <p>Last amended in 1981</p> <p>(5B) Identification. If so authorized by the city or town clerk or registrars of voters, an election officer may request any voter to present written identification. Such requests shall not discriminate in any way, but shall be entirely random, consistent, or based on reasonable suspicion. For the purpose of 950 CMR 52.03(5B), of M.G.L. c. 54, § 76B, and of 950 CMR 52.03(5)(b), suitable written identification includes a driver's license, recent utility bill, rent receipt on a landlord's printed letterhead, lease, duplicate copy of a voter registration affidavit, or any other printed identification which contains the voter's name and address. If voters fail to present suitable written identification when so requested, they must still be allowed to vote, but an election officer or any other person may challenge their right to vote under M.G.L. c. 54, § 85 and 950 CMR 52.03(23).</p>	Mass. Ann. Laws 54 § 76 950 Mass. Code Regs. 52.03
Michigan	Sign Name	<p>(1) At each election, before being given a ballot, each registered elector offering to vote shall identify himself or herself by presenting an official state identification card issued to that individual pursuant to Act No. 222 of the Public Acts of 1972, being sections 28.291 to 28.295 of the Michigan Compiled Laws, an operator's or chauffeur's license issued to that individual pursuant to the Michigan Vehicle Code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws, or other generally recognized picture identification card and by executing an application showing his or her signature or mark and address of residence in the presence of an election official.</p>	Mich. Comp. Laws Ann. § 168.523

If the voter registration cards are used in the precinct, the election official in charge of the precinct registration file shall compare the signature upon the application with the signature upon the registration card. If voter registration lists are used in the precinct, the election inspector shall determine if the name on the application to vote appears on the voter registration list. If the name appears on the voter

registration list, the elector shall provide further identification by giving his or her date of birth or other information stated upon the voter registration list. In precincts using voter registration lists, the date of birth may be required to be placed on the application to vote. If the signature or an item of information does not correspond, the vote of the person shall be challenged, and the same procedure shall be followed as provided in this act for the challenging of an elector. If the person offering to vote has signed the registration card or application by making a mark, the person shall identify himself or herself by giving his or her date of birth, which shall be compared with the date of birth stated upon the registration card or voter registration list, or shall give other identification as may be referred to upon the registration card or voter registration list. If the elector does not have an official state identification card, operator's or chauffeur's license as required in this subsection, or other generally recognized picture identification card, the individual shall sign an affidavit to that effect before an election inspector and be allowed to vote as otherwise provided in this act. However, an elector being allowed to vote without the identification required under this subsection is subject to challenge as provided in section 727.

(2) If, upon a comparison of the signature or other identification, it is found that the applicant is entitled to vote, the election officer having charge of the registration list shall approve the application and write his or her initials on the application, after which the number on the ballot issued shall be noted on the application. The application shall serve as 1 of the 2 poll lists required to be kept as a record of a person who has voted. The application shall be filed with the township, city, or village clerk. If voter registration cards are used in the precinct, the date of the election shall be noted by 1 of the election officials upon the precinct registration card of each elector voting at an election. If voter registration lists are used in the precinct, the election official shall clearly indicate upon the list each elector voting at that election. The clerk of a city, village, or township shall maintain a record of voting participation for each registered elector.

The Attorney General declared that this statute violated the Equal Protection Clause of the Fourteenth Amendment. Op. Atty. Gen. 1997, No. 6930. That decision is binding on all state agencies.

(Effective March 31, 1997)

Minnesota

Sign Name

(a) An individual seeking to vote shall sign a polling place roster which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, maintains residence at the address shown, is not under a guardianship in which the court order revokes the individual's right to vote, has not been found by a court of law to be legally incompetent to vote or convicted of a felony without having civil rights restored, is registered and has not already voted in the election. The roster must also state: "I understand that deliberately providing false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both."

(b) A judge may, before the applicant signs the roster, confirm the applicant's name, address, and date of birth.

(c) After the applicant signs the roster, the judge shall give the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots

Minn. Stat. §
204C.10

as proof of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The voters' receipts must be maintained during the time for notice of filing an election contest.

Mississippi	Sign Name	<p>(Effective January 1, 2004)</p> <p>* * *</p> <p>When any person entitled to vote shall appear to vote, he shall first sign his name in a receipt book or booklet provided for that purpose and to be used at that election only and said receipt book or booklet shall be used in lieu of the list of voters who have voted formerly made by the managers or clerks; whereupon and not before, the initialing manager or, in his absence, the alternate initialing manager shall indorse his initials on the back of an official blank ballot, prepared in accordance with law, and at such place on the back of the ballot that the initials may be seen after the ballot has been marked and folded, and when so indorsed he shall deliver it to the voter, which ballot the voter shall mark in the manner provided by law, which when done the voter shall deliver the same to the initialing manager or, in his absence, to the alternate initialing manager, in the presence of the others, and the manager shall see that the ballot so delivered bears on the back thereof the genuine initials of the initialing manager, or alternate initialing manager, and if so, but not otherwise, the ballot shall be put into the ballot box; and when so done one (1) of the managers or a duly appointed clerk shall make the proper entry on the pollbook. If the voter is unable to write his name on the receipt book, a manager or clerk shall note on the back of the ballot that it was receipted for by his assistance.</p>	<p>Miss. Code Ann. § 23-15- 541</p>
Missouri	Provide ID	<p>(Effective January 1, 1987)</p> <p>1. Before receiving a ballot, voters shall identify themselves by presenting a form of personal identification from the following list:</p> <p>(1) Identification issued by the state of Missouri, an agency of the state, or a local election authority of the state;</p> <p>(2) Identification issued by the United States government or agency thereof;</p> <p>(3) Identification issued by an institution of higher education, including a university, college, vocational and technical school, located within the state of Missouri;</p> <p>(4) A copy of a current utility bill, bank statement, government check, paycheck or other government document that contains the name and address of the voter;</p> <p>(5) Driver's license or state identification card issued by another state; or</p> <p>(6) Other identification approved by the secretary of state under rules promulgated pursuant to subsection 3 of this section other identification approved by federal law. Personal knowledge of the voter by two supervising election judges, one from each major political party, shall be acceptable voter identification upon the completion of a secretary of state-approved affidavit that is signed by both supervisory election judges and the voter that attests to the personal knowledge of the voter by the two supervisory election judges. The secretary of state may provide by rule for a sample affidavit to be used for such purpose.</p> <p>(Last amended in 2002)</p>	<p>Mo. Rev. Stat. §115.427.1</p>
Montana	Provide ID	<p>(1) (a) Before an elector is permitted to receive a ballot or vote, the elector shall present to an election judge a current photo identification showing the elector's name. If the elector does not present photo identification, including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification, the elector shall present a current utility bill, bank statement, paycheck, notice of confirmation of voter</p>	<p>Mont. Code. Ann. §13-13- 114(1)(a)</p>

registration issued pursuant to 13-2-207, government check, or other government document that shows the elector's name and current address.

(From 2004 version of the Montana Code Annotated; No updates in 2004, only in 2005 [Unrelated section was amended in 2005])

Nebraska Sign Name

(1) The clerks of election shall have a list of registered voters of the precinct and a sign-in register at the polling place on election day. The list of registered voters shall be used for guidance on election day and may be in the form of a computerized, typed, or handwritten list or precinct registration cards. Registered voters of the precinct shall place and record their signature in the sign-in register before receiving any ballot. The list of registered voters and the sign-in register may be combined into one document.

Neb. Rev. Stat.
§ 32-913

(Last amended in 2003)

Neb. Rev. Stat.
§ 32-914

Official ballots shall be used at all elections. No person shall receive a ballot or be entitled to vote unless and until he or she is registered as a voter except as provided in section 32-914.01, 32-914.02, 32-915, 32-915.01, or 32-936. Except as otherwise specifically provided, no ballot shall be handed to any registered voter at any election until (1) he or she announces his or her name and address to the clerk of election, (2) the clerk has found that he or she is a registered voter at the address as shown by the precinct list of registered voters unless otherwise entitled to vote in the precinct under section 32-328, 32-914.01, 32-914.02, 32-915, or 32-915.01, (3) if the voter registered by mail after January 1, 2003, and has not previously voted in an election for a federal office within the county, the clerk shall ask the registered voter to present a photographic identification which is current and valid or a copy of a utility bill, bank statement, government check, paycheck, or other government document that is current and that shows the name and address of the voter, (4) the clerk has instructed the registered voter to personally write his or her name in the precinct sign-in register on the appropriate line which follows the last signature of any previous voter, and (5) the clerk has listed on the precinct list of registered voters the corresponding line number and name of the registered voter.

Nevada Match Sig.

(Last updated in 2003)

1. Except as otherwise provided in [NRS 293.541](#), if a person's name appears in the election board register or if he provides an affirmation pursuant to [NRS 293.525](#), he is entitled to vote and must sign his name in the election board register when he applies to vote. His signature must be compared by an election board officer with the signature or a facsimile thereof on his original application to register to vote or one of the forms of identification listed in subsection 2.

Nev. Rev.
Stat. § 293.277

2. Except as otherwise provided in [NRS 293.2725](#), the forms of identification which may be used individually to identify a voter at the polling place are:

(a) The card issued to the voter at the time he registered to vote;

(b) A driver's license;

(c) An identification card issued by the Department of Motor Vehicles;

(d) A military identification card; or

(e) Any other form of identification issued by a governmental agency which contains the voter's signature and physical description or picture.

NH Give Name

Last Amendment Effective Jan. 1, 2004.

A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the

N.H. Rev. Stat.
Ann.
659:13

ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the checklist. The voter, if still qualified to vote in the town or ward and unless challenged as provided for in [RSA 659:27-33](#), shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

New Jersey	Match Sig.	<p>Last Amendment Effective July 2, 2002.</p> <p>19:15-17. Comparison of signatures or statements made openly; provisional ballots for newly registered voters without proper identification</p> <p>a. The comparison of signatures of a voter made upon registration and upon election day, and if the voter alleges his inability to write, the comparison of the answers made by such voter upon registration and upon election day, shall be had in full view of the challengers.</p> <p>b. If a voter has registered by mail after January 1, 2003 to vote for the first time in his or her current county of residence and did not provide personal identification when registering pursuant to section 16 of P.L.1974, c. 30 (C.19:31-6.4), the voter shall be permitted to vote starting at the first election held after January 1, 2004 at which candidates are seeking federal office after displaying one of the following items: (1) a current and valid photo identification card; (2) a current utility bill, bank statement, government check or pay check; (3) any other government document that shows the voter's name and current address; or (4) any other identifying document that the Attorney General has determined to be acceptable for this purpose. If the voter does not display one of these documents, the voter shall not be permitted to vote by machine but shall instead be provided with a provisional ballot, pursuant to the provisions of P.L.1999, c. 232 (C.19:53C-1 et seq.). This subsection shall not apply to any voter entitled to vote by absentee ballot under the "Uniformed and Overseas Citizens Absentee Voting Act" (42 U.S.C. 1973ff-1 et seq.) or to any voter who is provided the right to vote other than in person under section 3 of Pub.L.98-435, the "Voting Accessibility for the Elderly and Handicapped Act," or any other voter entitled to vote otherwise than in person under any other federal law. This subsection shall also not apply to any person who registers to vote by appearing in person at any voter registration agency or to any person whose voter registration form is delivered to the county commissioner of registration or to the Attorney General, as the case may be, through a third party by means other than by mail delivery.</p> <p>c. Each county commissioner of registration shall collect and maintain, in the manner prescribed by the Attorney General, the information provided pursuant to subsection b. of this section and section 16 of P.L.1974, c. 30 (C.19:31- 6.4). Access to the personal identification information provided pursuant to subsection b. of this section and section 16 of P.L.1974, c. 30 (C.19:31- 6.4). shall be prohibited, in accordance with subsection a. of section 6 of P.L.2001, c. 404 (C.47:1A-5).</p>	N.J. Stat. Ann. 19:15-17
New Mexico	Sign Name	<p>Last Amendment Effective July 9, 2004</p> <p>D. The judge assigned to the voter list used for confirmation of registration and voting shall determine that each person offering to vote is registered and, in the case of a primary election, that the voter is registered in a party designated on the primary election ballot. If the person's registration is confirmed by the presence of his name on the voter list or if the person presents a certificate under the seal and signature of the county clerk showing that he is entitled to vote in the election and to vote in that precinct, the judge shall announce to the election clerks the list number and the name of the voter as shown on the voter list.</p>	N.M. Stat. Ann §1-5-10 (Recompiled as §1-12 -7.1 by L. 2005, Ch. 270, §63, effective July 1, 2005)

E. The election clerk shall locate that list number and name on the signature roster and shall require the voter to sign his usual signature or, if unable to write, to make his mark opposite his printed name. If the voter makes his mark, it shall be witnessed by one of the judges of the precinct board. If the signature roster indicates that the voter is required to present a form of identification before voting, the election judge shall ask the voter for a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows and matches the name and address of the voter as indicated on the signature roster. If the voter does not provide the required identification, he shall be allowed to vote on a provisional paper ballot.

G. A voter shall not be permitted to vote until he has properly signed his usual signature or made his mark in the signature roster.

(From 2004 version of New Mexico Annotated Statutes, amended in 2005 to require presentation of ID)

New York

Match Sig.

1. A person before being allowed to vote shall be required, except as provided in this chapter, to sign his name on the back of his registration poll record on the first line reserved for his signature at the time of election which is not filled with a previous signature, or on the line of the computer generated registration list reserved for his signature. The two inspectors in charge shall satisfy themselves by a comparison of this signature with his registration signature and by comparison of his appearance with the descriptive material on the face of the registration poll record that he is the person registered. If they are so satisfied they shall enter the other information required for the election on the same line with the voter's latest signature, shall sign their names or initials in the spaces provided therefor, and shall permit the applicant to vote. Any inspector or inspectors not satisfied shall challenge the applicant forthwith.

2. If a person who alleges his inability to sign his name presents himself to vote, the board of inspectors shall permit him to vote, unless challenged on other grounds, provided he had been permitted to register without signing his name. The board shall enter the words "Unable to Sign" in the space on his registration poll record reserved for his signature or on the line of the computer generated registration list reserved for his signature at such election. If his signature appears upon his registration record or upon the computer generated registration list the board shall challenge him forthwith, except that if such a person claims that he is unable to sign his name by reason of a physical disability incurred since his registration, the board, if convinced of the existence of such disability, shall permit him to vote, shall enter the words "Unable to Sign" and a brief description of such disability in the space reserved for his signature at such election. At each subsequent election, if such disability still exists, he shall be entitled to vote without signing his name and the board of inspectors, without further notation, shall enter the words "Unable to Sign" in the space reserved for his signature at such election.

3. The voter's signature made by him upon registration and his signature made at subsequent elections shall be effectively concealed from the voter by a blotter or piece of opaque paper until after the voter shall have completed his signature.

4. In any case where a person who has heretofore voted has placed his voting signature on the back of his registration poll record on the first or any succeeding line or lines at the time or times of an election, instead of on the last line of the space thereon required to be reserved for such voting signatures and on any lines next running upward therefrom, the inspectors of election shall obliterate such misplaced signature or signatures, initial the obliteration and require such voter to sign his name again in the correct place on such registration poll record.

5. Any person who has heretofore registered and who at such time placed his or her registration signature on the back of the registration poll record otherwise

N.Y. Law § 8-304
(McKinney)

		<p>than in the space required to be provided therefor at the bottom of such poll record, shall, before being permitted to vote at any election thereafter, subscribe a new registration signature for himself on the last line at the bottom of such poll record, and, at the same time, if the inspectors of election are satisfied that the signatures were made by the same person, obliterate his original registration signature placed elsewhere than on the bottom of such record. Such obliterations may be made by crossing out the signature so as to completely efface the same or by affixing thereover a piece of gummed tape of a size sufficient only to cover such signature and of a type adequate to fully conceal the same</p> <p>Last Amended 1986</p>	
North Carolina	Give Name	<p>(a) Checking Registration. --A person seeking to vote shall enter the voting enclosure through the appropriate entrance. A precinct official assigned to check registration shall at once ask the voter to state current name and residence address. The voter shall answer by stating current name and residence address. In a primary election, that voter shall also be asked to state, and shall state, the political party with which the voter is affiliated or, if unaffiliated, the authorizing party in which the voter wishes to vote. After examination, that official shall state whether that voter is duly registered to vote in that precinct and shall direct that voter to the voting equipment or to the official assigned to distribute official ballots. If a precinct official states that the person is duly registered, the person shall sign the pollbook, other voting record, or voter authorization document in accordance with subsection (c) of this section before voting.</p>	N.C. Gen. Stat. Ann. § 163-166.7
North Dakota	Provide ID	<p>16.1-05-07 Poll clerks to check identification and verify eligibility -- Poll clerks to request, correct, and update incorrect information contained in the pollbook.</p> <p>1. Before delivering a ballot to an individual according to section 16.1-13- 22, the poll clerks shall request the individual to show a driver's license issued by the state, another form of identification displaying a photograph of the individual and the individual's date of birth, or another appropriate form of identification prescribed by the secretary of state. If an individual offering to vote fails or refuses to show an appropriate form of identification, the individual may be allowed to vote without being challenged according to section 16.1-05-06 if the individual provides to the election board the individual's date of birth and if a member of the election board or a clerk knows the individual and can personally vouch that the individual is a qualified elector of the precinct. After verifying that the individual's name is contained in the pollbook generated from the central voter file, poll clerks shall verify the individual's residential address and mailing address, if different from the individual's residential address.</p> <p>(From 2003 version of N.D. Century Code; only amendment to this statute that became effective in 2003 was in 2005)</p>	N.D. Cent. Code § 16.1-05-07

Ohio	Match Sig.	<p>When an elector appears in a polling place to vote he shall announce his full name and address to the precinct election officials. He shall then write his name and address at the proper place in the poll lists or signature pollbooks provided therefore, except that if, for any reason, an elector shall be unable to write his name and address in the poll list or signature pollbook, the elector may make his mark at the place intended for his name and a precinct official shall write the name of the elector at the proper place on the poll list or signature pollbook following the elector's mark, upon the presentation of proper identification. The making of such mark shall be attested by the precinct official who shall evidence the same by signing his name on the poll list or signature pollbook as a witness to such mark.</p> <p>The elector's signature in the poll lists or signature pollbooks shall then be compared with his signature on his registration form or a digitized signature list as provided for in section 3503.13 of the Revised Code, and if, in the opinion of a majority of the precinct election officials, the signatures are the signatures of the same person, the clerks shall enter the date of the election on the registration form or shall record the date by such other means as may be prescribed by the secretary of state. If the right of the elector to vote is not then challenged, or, if being challenged, he establishes his right to vote, he shall be allowed to proceed into the voting machine. If voting machines are not being used in that precinct, the judge in charge of ballots shall then detach the next ballots to be issued to the elector from Stub B attached to each ballot, leaving Stub A attached to each ballot, hand the ballots to the elector, and call his name and the stub number on each of the ballots. The clerk shall enter the stub numbers opposite the signature of the elector in the pollbook. The elector shall then retire to one of the voting compartments to mark his ballots. No mark shall be made on any ballot which would in any way enable any person to identify the person who voted the ballot.</p>	Ohio Rev. Code Ann. § 3505.18
Oklahoma	Sign Name	<p>(Effective at time of last update, 1992 H 182, eff. 4-9-93)</p> <p>Each person presenting himself to vote shall announce his name to the judge of the precinct, whereupon the judge shall determine whether said person's name is in the precinct registry.</p> <p>(Last amended in 1990)</p> <p>Persons who have been determined to be eligible to vote shall sign, in the presence of the clerk, the proper precinct registry. Said clerk shall thereupon issue proper ballots to said person. The voter's signature on said precinct registry shall be the best evidence of said voter's having voted at said election. Said precinct registry shall be retained in the office of the county election board for a period of twenty-two (22) months following the election and shall be subject to public inspection during regular office hours.</p> <p>(Last amended in 1990)</p>	<p>Okla. Stat. Ann. tit. 26, § 7-114</p> <p>Okla. Stat. Ann. tit. 26, § 7-117</p>
Oregon	Match Sig.	<p>All elections in Oregon are Vote by Mail.</p> <p>An Elections Official will compare the signature on your ballot return envelope to the signature on your voter registration card to verify your identity</p> <p>(http://www.uhavavote.org/votingguide/votebymail.html) (unknown date, but use of wayback machine shows that this provision on site on following dates: 7/11/04, 10/20/04 and 10/29/04)</p>	Or. Rev. Stat. § 254.385
Penn.	Match Sig.	<p>(a.3) All electors, including any elector that shows identification pursuant to subsection (a), shall subsequently sign a voter's certificate, and, unless he is a State or Federal employee who has registered under any registration act without declaring his residence by street and number, he shall insert his address therein, and hand the same to the election officer in charge of the district register. Such election officer shall thereupon announce the elector's name so that it may be heard by all members of the election board and by all watchers present in the</p>	25 Pa. Stat. Ann. § 3050

polling place and shall compare the elector's signature on his voter's certificate with his signature in the district register. If, upon such comparison, the signature upon the voter's certificate appears to be genuine, the elector who has signed the certificate shall, if otherwise qualified, be permitted to vote: Provided, That if the signature on the voter's certificate, as compared with the signature as recorded in the district register, shall not be deemed authentic by any of the election officers, such elector shall not be denied the right to vote for that reason, but shall be considered challenged as to identity and required to make the affidavit and produce the evidence as provided in subsection (d) of this section. When an elector has been found entitled to vote, the election officer who examined his voter's certificate and compared his signature shall sign his name or initials on the voter's certificate, shall, if the elector's signature is not readily legible, print such elector's name over his signature, and the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines, and at primaries a letter or abbreviation designating the party in whose primary he votes shall also be entered by one of the election officers or clerks. As each voter is found to be qualified and votes, the election officer in charge of the district register shall write or stamp the date of the election or primary, the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines, and at primaries a letter or abbreviation designating the party in whose primary he votes, and shall sign his name or initials in the proper space on the registration card of such voter contained in the district register.

(In effect at time of, and unaltered by: 2004, Oct. 8, P.L. 807, No. 97, § 5.1 (changes procedure for first time voters, not established voters))

Rhode Island Give Name

(a) Each person desiring to vote shall state his or her name and residence, including that person's street address, if he or she has any, to one of the first pair of bi-partisan supervisors, who shall then announce the name and residence in a loud and distinct voice, clear and audible. As each voter's name is announced, the voter shall be handed a ballot application in the following form:
BALLOT APPLICATION

R.I. Gen. Laws
§ 17-19-24

(Poll List)

Senatorial District _____

Representative District _____

Voting District _____

Election

Date _____

I hereby certify that I am a registered and qualified elector in the above voting district of
City of

and hereby make application for ballots to be voted at this election.

(Signature of Voter)

(Residence Address)

Number Approved _____

(Supervisor of Election)

(b) The voter shall sign the application in the presence and view of a bipartisan pair. They shall locate the voter's name on the certified voting list for the voting district. Upon finding the voter's name on the certified voting list for the district, they shall initial the ballot application in the place provided next to the word "Approved" and shall enter on the certified list of voters a proper notation that the applicant has voted in the election. They shall then return the ballot application to the voter who shall pass down the line and present it to the clerk. After the voter has handed the approved ballot application to the clerk, the clerk shall provide the voter with the appropriate computer ballot and security sleeve, the warden shall direct the voter to the voting booth which the voter shall use, and unless the voter needs instruction or assistance as provided in this chapter, the voter shall cast his or her vote, and if he or she desires place the voted computer ballot in a security sleeve, and shall proceed to the optical scan precinct count unit and shall personally place his or her voted ballot into the designated ballot slot on the unit, and after doing so, shall leave the enclosure at once. No voter shall remain within the voting booth longer than ten (10) minutes, and if the voter refuses to leave after the lapse of ten (10) minutes, the voter shall be removed from the voting booth by order of the warden. Except for the election officials and the election inspector, not more than two (2) voters in excess of the number of voting booths shall be permitted within the enclosed space at any time.

(Last amended 2004, Current through January 2005 Session)

South Carolina Photo ID

§ 7-13-710. Proof of right to vote; signing poll list; comparison of signatures.

S.C. Code Ann.
§ 7-13-710

When any person presents himself to vote, he shall produce his valid South Carolina driver's license or other form of identification containing a photograph issued by the Department of Motor Vehicles, if he is not licensed to drive, or the written notification of registration provided for by §§ 7-5-125 and 7-5-180 if the notification has been signed by the elector. If the elector loses or defaces his registration notification, he may obtain a duplicate notification from his county board of registration upon request in person, or by telephone or mail. After presentation of the required identification, his name must be checked by one of the managers on the margin of the page opposite his name upon the registration books, or copy of the books, furnished by the board of registration. The managers shall keep a poll list which must contain one column headed "Names of Voters". Before any ballot is delivered to a voter, the voter shall sign his name on the poll list, which must be furnished to the appropriate election officials by the State Election Commission. At the top of each page the voter's oath appropriate to the election must be printed. The signing of the poll list or the marking of the poll list is considered to be an affirmation of the oath by the voter. One of the managers shall compare the signature on the poll list with the signature on the voter's driver's license, registration notification, or other identification and may require further identification of the voter and proof of his right to vote under this title as he considers necessary. If the voter is unable to write or if the voter is prevented from signing by physical handicap, he may sign his name to the poll list by mark with the assistance of one of the managers.

South Dakota Photo ID

Last amended: 1968

When a voter is requesting a ballot, the voter shall present a valid form of personal identification. The personal identification that may be presented shall be either:

S.D. Codified
Laws § 12-18-
6.1

- (1) A South Dakota driver's license or nondriver identification card;
- (2) A passport or an identification card, including a picture, issued by an agency of the United States government;
- (3) A tribal identification card, including a picture; or
- (4) An identification card, including a picture, issued by a high school or an accredited institution of higher education, including a university, college, or

technical school, located within the State of South Dakota.

Last amended March 2004

Tennessee	Provide ID	<p>Identification of eligible voters</p> <p>(a)(1) A voter shall sign an application for ballot, indicate the primary in which the voter desires to vote, if any, and present it to a registrar. The application for ballot shall include thereon a space for the address of the voter's current residence, and the voter shall write or print such address on the application when the voter signs it. The registrar shall compare the signature and information on the application with the signature and information on the duplicate permanent registration record. The registrar shall make a determination whether the voter's address is different from the address on the voter's permanent registration record or if the registration is in inactive status. If the voter has changed residence, or the voter's registration is inactive, the registrar shall follow the procedures for voting pursuant to <u>§ 2-7-140</u>. If, upon comparison of the signature and other identification, it is found that the applicant is entitled to vote, the registrar shall initial the application and shall note on the reverse side of the voter's duplicate permanent registration record the date of the election, the number of the voter's ballot application, and the elections in which the voter votes. If the applicant's signature is illegible, the registrar shall print the name on the application. The registrar shall give the voter the ballot application which is the voter's identification for a paper ballot or ballots or for admission to a voting machine. The voter shall then sign the duplicate poll lists without leaving any lines blank on any poll list sheet.</p> <p>(2) In any computerized county, the county election commission shall have the option of using an application for a ballot as provided in this section, or using the computerized voter signature list. A computerized voter signature list shall include the voter's name, current address of residence, social security number or registration number, birth date and spaces for the voter's signature, elections voted, ballot number and precinct registrar's initials. The following procedures shall be followed in the case of computerized voter signature lists:</p> <p>(A) The voter shall sign the signature list and indicate the election or elections the voter desires to vote in and verify the voter's address in the presence of the precinct registrar;</p> <p>(B) The registrar shall compare the voter's signature and information on the signature list with other evidence of identification supplied by the voter. If, upon comparison of the signature and other evidence of identification, it is found that the applicant is entitled to vote, the registrar shall initial the signature list;</p> <p>(C) If the applicant's signature is illegible, the registrar shall print the name of the applicant on the voter list; and</p> <p>(D) If a voter is unable to present any evidence of identification specified in subsection (c), the voter shall be required to execute an affidavit of identity on a form provided by the county election commission.</p>	Tenn. Code Ann. § 2-7-112
Texas	Provide ID	<p>Last amended 2003</p> <p>(b) On offering to vote, a voter must present the voter's voter registration certificate to an election officer at the polling place.</p>	Tex. Elec. Code Ann. § 63.001
Utah	Give Name	<p>(Last amended in 1997)</p> <p>(1)(a) Any registered voter desiring to vote shall give his name, and, if requested, his residence, to one of the election judges.</p> <p>(b) If an election judge does not know the person requesting a ballot and has reason to doubt that person's identity, the judge shall request identification or have the voter identified by a known registered voter of the district.</p> <p>(3) If the election judge determines that the voter is registered:</p> <p>(a) the election judge in charge of the official register shall:</p> <p>(i) write the ballot number opposite the name of the voter in the official register; and</p>	Utah Code Ann. § 20A-3-104

- (ii) direct the voter to sign his name in the election column in the official register;
- (b) another judge shall list the ballot number and voter's name in the pollbook; and
- (c) the election judge having charge of the ballots shall:
 - (i) endorse his initials on the stub;
 - (ii) check the name of the voter on the pollbook list with the number of the stub;
 - (iii) hand the voter a ballot; and
 - (iv) allow the voter to enter the voting booth.

(In effect at time of last update prior to 2005: Laws 2003, c. 37, § 1, eff. May 5, 2003)

Vermont Give Name

Before a person may be admitted to vote, he or she shall announce his or her name and if requested, his or her place of residence in a clear and audible tone of voice, or present his or her name in writing, or otherwise identify himself or herself by appropriate documentation. The election officials attending the entrance of the polling place shall then verify that the person's name appears on the checklist for the polling place. If the name does appear, and if no one immediately challenges the person's right to vote on grounds of identity or having previously voted in the same election, the election officials shall repeat the name of the person and:

Vt. Stat. Ann. tit. 17, § 2563

(1) If the checklist indicates that the person is a first-time voter in the municipality who registered by mail and who has not provided required identification before the opening of the polls, require the person to present any one of the following: a valid photo identification; a copy of a current utility bill; a copy of a current bank statement; or a copy of a government check, paycheck, or any other government document that shows the current name and address of the voter. If the person is unable to produce the required information, the person shall be afforded the opportunity to cast a provisional ballot, as provided in subchapter 6A of this chapter. The elections official shall note upon the checklist a first-time voter in the municipality who has registered by mail and who produces the required information, and place a mark next to the voter's name on the checklist and allow the voter to proceed to the voting booth for the purpose of voting.

(2) If the voter is not a first-time voter in the municipality, no identification shall be required, the clerk shall place a check next to the voter's name on the checklist and allow the voter to proceed to the voting booth for the purpose of voting

Virginia Provide ID

(Last amended in 2003)

§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification

Va. Code. Ann.

A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the voting booth and furnishing an official ballot to him.

B. An officer of election shall ask the voter for his full name and current residence address and repeat, in a voice audible to party and candidate representatives present, the full name and address stated by the voter. The officer shall ask the voter to present any one of the following forms of identification: his Commonwealth of Virginia voter registration card, his social security card, his valid Virginia driver's license, or any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States; or any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business.

If the voter's name is found on the pollbook, if he presents one of the forms of

identification listed above, if he is qualified to vote in the election, and if no objection is made, an officer shall enter, opposite the voter's name on the pollbook, the first or next consecutive number from the voter count form provided by the State Board, or shall enter that the voter has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot; and another officer shall admit him to the voting booth.

Except as provided in subsection E of this section, if a voter is entitled to vote except that he is unable to present one of the forms of identification listed above, he shall be allowed to vote after signing a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter who he claims to be. A voter who requires assistance in voting by reason of physical disability or inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding voters who are unable to sign shall be followed when assisting a voter in completing this statement.

Washington	Sign Name	(Version in effect as of 2004- effective 4/12/2004) 29A.44.201.	Wash. Rev. Code § 29A.44.201 & 29A.44.210
		<p>A voter desiring to vote shall give his or her name to the precinct election officer who has the precinct list of registered voters. This officer shall announce the name to the precinct election officer who has the copy of the inspector's poll book for that precinct. If the right of this voter to participate in the primary or election is not challenged, the voter must be issued a ballot or permitted to enter a voting booth or to operate a voting device. For a partisan primary in a jurisdiction using the physically separate ballot format, the voter must be issued a nonpartisan ballot and each party ballot. The number of the ballot or the voter must be recorded by the precinct election officers. If the right of the voter to participate is challenged, RCW 29A.08.810 and 29A.08.820 apply to that voter.</p> <p>(In effect at time of last update prior to 2005: 2004 c 271 § 136, eff. June 10, 2004)</p> <p>29A.44.210.</p> <p>Any person desiring to vote at any primary or election is required to sign his or her name on the appropriate precinct list of registered voters. If the voter registered using a mark, or can no longer sign his or her name, the election officers shall require the voter to be identified by another registered voter.</p> <p>The precinct election officers shall then record the voter's name.</p> <p>Effective date: July 1, 2004</p>	

West Virginia	Match Sig.	(a) Any person desiring to vote in an election shall, upon entering the election room, clearly state his or her name and residence to one of the poll clerks who shall thereupon announce the same in a clear and distinct tone of voice. If that person is found to be duly registered as a voter at that precinct, he or she shall be required to sign his or her name in the space marked "signature of voter" on the pollbook prescribed and provided for the precinct. If that person is physically or otherwise unable to sign his or her name, his or her mark shall be affixed by one of the poll clerks in the presence of the other and the name of the poll clerk affixing the voter's mark shall be indicated immediately under the affixation. No ballot may be given to the person until he or she so signs his or her name on the pollbook or his or her signature is so affixed thereon. * * *	W. Va. Code § 3-1-34 (a)
		(c) When the voter's signature is properly on the pollbook, the two poll clerks shall sign their names in the places indicated on the back of the official ballot and deliver the ballot to the voter to be voted by him or her without leaving the	

election room. If he or she returns the ballot spoiled to the clerks, they shall immediately mark the ballot "spoiled" and it shall be preserved and placed in a spoiled ballot envelope together with other spoiled ballots to be delivered to the board of canvassers and deliver to the voter another official ballot, signed by the clerks on the reverse side required by this subsection. The voter shall thereupon retire alone to the booth or compartment prepared within the election room for voting purposes and there prepare his or her ballot using a ballpoint pen of not less than five inches in length or other indelible marking device of not less than five inches in length. In voting for candidates in general and special elections, the voter shall comply with the rules and procedures prescribed in section five, article six of this chapter.

Wisconsin

Give Name

(In effect at time of last update prior to 2005: Acts 2003, c. 100, eff. 90 days after March 7, 2003)

6.79(2)(a) Except as provided in sub. (6), where there is registration, each person, before receiving a voting number, shall state his or her full name and address. Upon the prepared registration list, after the name of each elector, the officials shall enter the serial number of the vote as it is polled, beginning with number one. Each elector shall receive a slip bearing the same serial number. A separate list shall be maintained for electors who are voting under s. 6.15, 6.29 or 6.55(2) or (3) and electors who are reassigned from another polling place under s. 5.25(5)(b). Each such elector shall have his or her full name, address and serial number likewise entered and shall be given a slip bearing such number.

Wis. Stat. § 6.79

(In effect at time of last update prior to 2005: 2003 Act 327, § 4, eff. June 12, 2004)

Wyoming

Give Name

(a) Unless a voter is challenged pursuant to W.S. 22-15-101 through 22- 15-109, no identification shall be required when:

(i) Voting in person or by mail after having registered in person; or

(ii) Voting in person or by mail after having registered by mail and having previously voted in a Wyoming federal election.

Wyo. Stat. Ann. § 22-3-118

(In effect at time of last update prior to 2005: Effective dates. -- Laws 2004, ch. 94, § 5, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved March 5, 2004.)

**APPENDIX B: COURT DECISIONS AND LITERATURE ON VOTER
IDENTIFICATION AND RELATED ISSUE COURT DECISIONS**

June 28, 2006

Summary of Relevant Cases:

Challenges Prevailed:

American Civil Liberties Union of Minnesota v. Kiffmeyer, 2004

- Action for temporary restraining order – granted
- Statute: allowed use of tribal identification cards w/ name, address & photo as a valid identification to register to vote only if the voter lives on the reservation to “complete” a mail-in application (which only affected about 600 voters w/ incomplete applications)
- Claim -14th Amendment EPC: likely to prevail, no rational basis for a distinction between Indians residing on reservations and those not
- Statute: may use certain forms of photo identification lacking address together with a utility bill but not tribal identification cards
- Claim -14th Amendment EPC: likely to prevail

Greidinger v. Davis, 1993

- Statute: mandated disclosure of SS # as a precondition to voter registration (rationale was voter identification, but the numbers were rarely used to verify identity & were disclosed in voter lists to both political parties and the public upon request)
- Claims:
 - 14th Amendment EPC: no classification (applied strict scrutiny)
 - Substantive due process: law invalid; found that the statute conditioned the fundamental right to vote on the consent to an invasion of privacy; this was found to be a substantial burden (applied strict scrutiny)
 - Compelling interests: preventing voter fraud (deemed compelling)
 - Necessary: fails, preventing voter fraud when allowing names for inspection could be achieved by supplying addresses and DOBs or use of voter registration numbers
 - HOWEVER: Court also made it clear that if the registration scheme kept the SS# for internal use only – it would be valid

Challenges Rejected:

League of Women Voters v. Blackwell, 2004.

- Sec. of State Directive: provisional ballots issued if first-time voter, who registered by mail and did not provide ID, cannot produce proper ID at the polls AND that the provisional ballot will only be counted if the voter returns to the poll before it closes w/ ID or can recite SS# or DL#
- Claims – Supremacy Clause & HAVA: ruled that HAVA did not specify how the first-time voters' identifications should be verified and this method was not unreasonable or too burdensome

Colorado Common Clause v. Davidson, 2004

- Statute: required all voters to show ID (most types permitted) before voting
- Claims:
 - HAVA: ruled that HAVA did not preempt more strict state laws & allowed States to be more strict as long as consistent with the purpose of HAVA (both HAVA & CO provisions' purposes were to prevent voter fraud)
 - Substantive due process and equal protection
 - No improper discrimination
 - Preventing voter fraud is a compelling interest since it is irreversible once vote is cast

- Only marginally more intrusive than HAVA, many types of identification permitted – thus, valid

McKay v. Thompson, 2000

- Statute: mandated disclosure of SS # as a precondition to voter registration
- Claims:
 - Privacy Act, Section 7: ruled that Tennessee voter system exempt from Privacy Act because it is pre-75
 - NVRA, permitting only min. amt. of info. necessary to prevent duplicate registration and determine eligibility: ruled that NVRA does not specifically forbid the use of SS#s & the Privacy Act specifically permits them pre-75
 - Substantive due process: ruled that internal use of SS# not a burden
 - Free Exercise, based on Bible's supposed prohibition on use of universal identifiers: ruled that law is generally applicable and thus valid
 - P&I, Article IV: does not protect in-state citizens
 - P&I, 14th Amend.: no protection for privilege where Congress authorized its infringement

Kemp v. Tucker, 1975

- Statute: required name, occupation, address, sex, race, height, hair color, eye color, and date of birth be listed on voter registration card for identification purposes
- Claims:
 - VRA: ruled that race was not made a "qualification" for voting
 - 15th Amendment: ruled that it did not abridge right to vote on account of race because rejection of application was due to failure to provide information, not race; race only one factor in identification
 - 14th Amendment EPC: ruled there was no distinction among voters

Perez v. Riddlehoover, 1966

- Statute: date of birth, place of birth, mother's first or maiden name, color of eyes, sex, race, occupation, and whether owner, tenant or boarder must appear on the registration for identification
- Claims:
 - VRA: ruled that it was not a "test or device" because it applied equally
 - 15th Amendment: same reasons

Cases in Which the Plaintiffs Have Prevailed in Challenging the Statute Requiring Voter Identification:

***American Civil Liberties Union of Minnesota v. Kiffmeyer*, No. 04-CV-4653, 2004 WL 2428690, at *1 (D. Minn. Oct. 28, 2004).**

This was an action just before the November 2004 election for a temporary restraining order, which was granted. The ACLU challenged a Minnesota law allowing the use of tribal identification cards with the name, address, and photograph as a valid identification (equal to a driver's license) for use in "completing" an incomplete mail-in voter registration only if the Indian lives on the reservation. 2004 WL 2428690, at *1. The Court ruled that this distinction would likely violate the Equal Protection Clause because there was no rational basis for differentiating between the validity of the identification based on whether or not the cardholder lives on the reservation. *Id.* at *1, 3.

Secondly, the ACLU challenged a second statute which allowed the use of certain photo identification lacking the voter's address to be used together with a utility bill or bank statement as valid identification for registration. *Id.* at *3. The statute did not, however, permit using a tribal identification for this same purpose. *Id.* The Court ruled that this likely violated the equal protection clause as well. *Id.*

***Greidinger v. Davis*, 988 F.2d 1344 (4th Cir. 1993).**

This case challenged a Virginia law requiring the social security number for voter registration, which the State subsequently disclosed to the public and political parties upon request in voter registration lists, which included the social security numbers. Failure to provide the social security number resulted in the denial of the registration application. The law was challenged under the Equal Protection Clause and under substantive due process. The Court quickly rejected the equal protection challenge because the law made no classification. 988 F.2d at 1350.

The law was invalidated under substantive due process. *Id.* at 1355. The Court found that the statutory scheme conditioned the fundamental right to vote on the consent to an invasion of privacy, based on concerns of identity theft. *Id.* at 1353-54. The Court found this to be a substantial burden on the right to vote. *Id.* at 1354. The Court recognized that the government's interest in preventing voter fraud was compelling. *Id.* However, the Court found that disclosure of the information to the public and political parties was not necessary to achieve that interest. *Id.* Disclosure of addresses or dates of birth would be sufficient to aid the public in distinguishing between two voters with the same name. *Id.* at 1355. The Court did state that required disclosure of the social security number for internal use only would be valid. *Id.* at 1354 n.10.

Cases in Which the Statute or Practice of Voter Identification Has Been Upheld:

***League of Women Voters v. Blackwell*, 340 F. Supp. 2d 823 (N.D. Ohio 2004).**

The League of Women Voters challenged the Secretary of State's directive that provisional ballots should be issued to all first-time voters who registered by mail without providing identification who cannot show proper identification at the polls. 340 F. Supp. 2d at 828. The Directive also stated that the provisional ballots would only be counted if the voter orally recited his driver's license number or the last four digits of his social security number or returned to the polling place before it closed with some acceptable identification, including reciting those identification numbers. *Id.* The Court stated that HAVA only requires verification of eligibility of first time voters registering by mail; it does not say how that should be done. *Id.* at 831. The Court found the burden on the right to vote to be slight. *Id.* The Directive was found valid under HAVA and the Supremacy Clause because the number of uncounted votes would be small, the requirement was reasonable, and there was adequate notice of the requirement on the registration forms. *Id.* at 829-30.

***Colorado Common Cause v. Davidson*, No. 04CV7709, 2004 WL 2360485, at *1 (Colo. Dist. Ct. Oct. 18, 2004).**

In this case, the validity of three Colorado statutory provisions was challenged. The laws (1) required all in-person voters to show identification (not just first-time registrants); (2) provided that votes cast in the wrong precinct would not be counted; and (3) provided that provisional ballots would not be counted if the voter applied for an

absentee ballot. 2004 WL 2360485, at *1. The plaintiffs also challenged the provisions under HAVA. The identification provision allowed nearly all forms of acceptable identification under HAVA. *Id.* at *6.

The challenge to the identification requirement failed under both challenges. The Court interpreted HAVA as not intended to preempt state laws and as permitting states to be more strict than, but not inconsistent with, HAVA. *Id.* at *10. The Court felt that the purpose of both laws was the same, to reduce voter fraud, and thus, both laws could coexist. As to the Constitutional claim, both equal protection and substantive due process, the Court felt that preventing voter fraud, which is impossible to remedy once a vote is cast, is a compelling interest, and the Court also felt that a voter identification requirement for all voters, with many types of acceptable identification, was only marginally more intrusive than HAVA. *Id.* at 12. The Court also found no improper discrimination between voters. *Id.* Thus, the provision was upheld.

***McKay v. Thompson*, 226 F.3d 752 (6th Cir. 2000).**

The Sixth Circuit ruled that the Privacy Act, the National Voter Registration Act, Substantive Due Process, the Privileges and Immunities Clauses (Fourteenth Amendment & Article IV), and the First Amendment right to free exercise do not prohibit requiring disclosure of social security numbers as a precondition to voter registration.

The Privacy Act, Section 7, mandates that it is unlawful for a government to deny a right or privilege because of a citizen's refusal to disclose his social security number, unless the disclosure was required for a system established prior to 1975. 226 F.3d at 755 (citing Privacy Act of 1974, Pub. L. No. 93-579 (1974)). Since Tennessee required social security numbers for voter registration since 1972, his challenge was rejected. 226 F.3d at 755. Second, the NVRA only permits requiring the minimum amount of information necessary to prevent duplicate voter registration and to determine eligibility. *Id.* at 755-56 (citing 42 U.S.C. §1973gg-3(c)(2)(B)). The Court rejected this challenge because the NVRA does not specifically forbid the use of social security numbers, and the Privacy Act, a more specific statute, grandfathered their use if prior to 1975. 226 F.3d at 756.

Finally, the plaintiff's constitutional claims were all rejected. His substantive due process claim was rejected because internal receipt and use of social security numbers does not burden the fundamental right to vote. *Id.* The free exercise challenge, based on the Bible's supposed prohibition of universal identifiers, was rejected because the law was generally applicable and not directed at particular religious practices. *Id.* The Privileges and Immunities Clause claim was rejected because the Clause does not apply to citizens of the state. *Id.* The Fourteenth Amendment Privileges and Immunities claim, based on the right to vote as unique to U.S. citizenship, was rejected because the Clause provides no protection where Congress has authorized the infringement. *Id.*

***Kemp v. Tucker*, 396 F. Supp. 737 (M.D. Pa. 1975), *aff'd*, 423 U.S. 803.**

A statute was upheld, which required name, occupation, address, sex, race, height, hair color, eye color, and date of birth to be recorded on the voter registration card and allowed registration officials to reject an incomplete application. 396 F. Supp. at 738. Claims were alleged under the Fourteenth Amendment's Equal Protection Clause, the Fifteenth Amendment, and the Voting Rights Act.

As to the Fourteenth and Fifteenth Amendment claims, the Court reasoned that preventing voter fraud is a compelling goal, and identification provisions are "an essential means of achieving the goal." *Id.* at 739. The Court also rejected the equal

protection claim because the statutes did not create a distinction at all. *Id.* at 740 n.3. Since race is just one of several characteristics required, the Court found that it was intended for preventing voter fraud, not some other motive. *Id.* at 740. As to the VRA, the Court rejected the claim that it added race as a qualification for voting as frivolous. *Id.* As to a Fifteenth Amendment claim that it abridged the right to vote on account of race, the Court also made a distinction between rejecting a voter application because of race and rejecting an application because of failure to answer all relevant questions to assist in preventing voter fraud. *Id.* The statute was upheld.

***Perez v. Rhiddlehoover*, 186 So. 2d 686 (La. Ct. App. 1966).**

A voter registration requirement was challenged and upheld. The statute stated that date of birth, place of birth, mother's first or maiden name, color of eyes, sex, race, occupation, and whether owner, tenant or boarder must appear on the registration. 186 So.2d at 690. This information was required for identification of voters, especially when voters had the same name, to prevent duplicate voting. It was challenged under the Voting Rights Act of 1965 Section 4(a) which prohibits denying the right to vote for failure to comply with a "test or device." The Court felt that this requirement was not a test or device for discrimination because it applied equally. *Id.* at 691. The Court also determined that it was not in conflict with the Fifteenth Amendment either. *Id.*

***Friendly House, et al. v. Janet Napolitano et al.*, CV 04-649 TUC DCB**

On November 30, 2004, the Mexican American Legal Defense and Educational Fund (MALDEF) filed suit seeking to halt the implementation of Proposition 200. . Proposition 200 created a number of legal requirements to ensure that public benefits are not available to illegal immigrants. In particular, Proposition 200 requires that a person attempting to register to vote provide one of six specific forms of proof of United States citizenship. Compl. 12-13. Also, any person attempting to vote must present either one form of photo identification or two forms of non-photo identification. *Id.* at 13.

The lawsuit alleges two violations that directly relate to the voting identification restrictions. First, the lawsuit alleges a violation of the Twenty-Fourth and Fourteenth amendments in that a voter must pay a poll tax by spending money to purchase the required identification. *Id.* at 20. Second, the lawsuit alleges violation of the Voting Rights Act. *Id.* at 21. The lawsuit was recently dismissed by the 9th Circuit Court of Appeals for a lack of standing. The Circuit Court found that there was no injury-in-fact, meaning that once an injury occurs the suit will likely be refiled. Additionally, it should be noted that the voter identification issue is only a part of the lawsuit, and much of the focus has been on other aspects of Proposition 200.

Current Litigation Concerning Voter ID Issues¹

Litigation is filled with uncertainty. Litigation stemming from newly passed voter identification requirements will continue into the foreseeable future. Lawsuits are currently pending over voter identification requirements in Georgia and Indiana. Other states, such as Ohio, are considering new identification requirements that could lead to further litigation. The Georgia lawsuit has already succeeded in getting a preliminary injunction against the law in question, which will likely galvanize interested parties in other states to pursue similar litigation. Of course, if the injunction is eventually overturned at the appellate level it could have a similar chilling affect on future litigation.

¹ As of January 2, 2006

This summary major litigation pending in Georgia and Indiana includes a brief assessment of the likelihood of success:

Georgia (*Common Cause/Georgia v. Billups*):

On September 19, 2005, Common Cause of Georgia, in conjunction with several other non-profit organizations, filed suit in Federal District Court against the Georgia Secretary of State and other election officials, challenging the constitutionality of Georgia's new voter identification requirements. The new law requires all voters attempting to cast a ballot in person to present a valid form of photographic identification. O.C.G.A. § 21-2-417. A voter that is unable to provide proper identification is given a provisional ballot. However, that provisional ballot will be counted only if the voter is able to subsequently present valid identification within two days of the election. *Id.*

The lawsuit alleges five separate violations of state and federal law. First, the complaint alleges that the identification requirements infringe on the right to vote guaranteed in the Georgia constitution (Compl. 32)². In addition, the Plaintiffs claim violations of the Federal Civil Rights Act and Voting Rights Act. (Compl. 36,38). Finally, the lawsuit alleges violations of the Fourteenth and Twenty-Fourth amendments to the U.S. Constitution. The complaint claims that the ID requirements constitute an "undue burden" on the right to vote, in violation of the Equal Protection Clause of the Fourteenth Amendment (Compl. 34). The ID requirement does not apply to most absentee voters, and thus the requirement is also over-broad and not narrowly tailored to address the stated purpose of preventing voter fraud (Compl. 34). The complaint further alleges that the cost of obtaining a photo ID constitutes a poll tax, in violation of the Twenty-Fourth Amendment, and that the cost is also a violation of the Fourteenth Amendment because it applies to voters who choose to vote in person, and not to those who vote absentee (Compl. 34,35).

On October 18, 2005, the District Court granted the Plaintiff's motion for a preliminary injunction, enjoining the application of the new identification requirements. In granting the injunction, the court held that both federal constitutional claims had a substantial likelihood of succeeding on the merits at trial (Prelim. Inj. 96, 104). The court also held that, while the two federal statutory claims were plausible, they both lacked sufficient evidence at the time to have a substantial likelihood of success. (Prelim. Inj. 109,111,116). Finally, the court held that the Georgia constitutional claim would be barred by the Eleventh Amendment to the U.S. Constitution. (Prelim. Inj. 77).

The Defendants appealed the motion for preliminary injunction to the Eleventh Circuit, and oral argument is scheduled for March 1, 2006. In addition, some news reports have claimed that the Georgia legislature is considering re-visiting the ID requirements in light of the on-going litigation.³ As for the merits, in granting the preliminary injunction the District Court has already signaled its belief that the federal constitutional claims are likely meritorious. The Eleventh Circuit may have a different view, but for now the case looks to have a reasonable chance of success.

² Litigation documents are available at the Election Law @ Moritz website.
<http://moritzlaw.osu.edu/electionlaw/litigation/index.php>

³ GA Legislature May Revisit Voter ID Law, State Net Capitol Journal, Dec. 19, 2005.

Indiana (*Indiana Democratic Party v. Rokita* and *Crawford v. Marion County Election Board*):

The Indiana lawsuit is similar to its Georgia counterpart in content, though not in status. In Indiana separate lawsuits, now joined, were filed by the state Democratic Party and the Indiana Civil Liberties Union (ICLU). The Democratic Party's lawsuit is directed against the Indiana Secretary of State, while the ICLU's lawsuit involves the Marion County Board of Elections and the State of Indiana. Like Georgia, Indiana law also requires citizens voting in person to present some form of official photo identification. IC § 3-11-8-25.1. Voters unable to present identification are given a provisional ballot, which is counted if they are able to provide the required identification by Noon on the second Monday following the election. IC § 3-11.7-5-1. Unlike Georgia, Indiana provides state issued identification at no charge. However, there are costs involved in the process, including transportation to the Bureau of Motor Vehicles, and payment for documents such as birth certificates, which are needed to obtain the ID. (Second Am. Compl. 6).

The Democratic Party's complaint raises Fourteenth Amendment claims similar to those in the Georgia lawsuit, including concerns about substantially burdening the right to vote, the enactment of a de-facto poll tax from the costs indirectly associated with obtaining ID, and the lack of applicability to voters who cast an absentee ballot. (Second Am. Compl. 6-9). In addition, the complaint alleges that the substantial burden placed on the right to vote violates the First Amendment protection of expressive or symbolic speech, as well as the freedom of association as applied to Democratic primary elections. (Second Am. Compl. 9-10). Finally, the complaint alleges violations of the Voting Rights Act, National Voter Registration Act, and the Help America Vote Act (Second Am. Compl. 10-11). The ICLU's complaint alleges many of the same violations, but also includes claims of a violation of Indiana's constitutional guarantee of a free and equal election system. (Compl. 15)

The case is currently in the pre-trial phase, with both sides awaiting decisions on their respective motions for summary judgment.⁴ The likelihood of success is bolstered by the fact that the Fourteenth amendment constitutional claims have already been found persuasive by at least one other Federal District Court. However, the Indiana law is notably different than its Georgia counterpart in that it provides free identification. While the plaintiffs make a solid argument that related costs still amount to a poll-tax, it is possible that the court could distinguish on this matter.

Unlike the Georgia case, the Indiana lawsuit also claims a violation of the Help America Vote Act. Although the claim is not completely clear, it seems as though the Plaintiffs are arguing that the Indiana statute requires more stringent identification than what is required by HAVA. 42 U.S.C. § 15483(b)(1)-(2). While this is true, it is unclear how this violates the statute. HAVA merely states that certain voters unable to produce HAVA required identification be given a provisional ballot. *Id.* Indiana law meets this requirement. IC § 3-11-8-25.1. Although Indiana law requires more stringent identification for counting the provisional ballot, HAVA leaves these decisions to state law. 42 U.S.C. § 15482(a).

⁴ According to an AP article, the Plaintiffs filed some type of brief on December 21—however it is not yet up on the Moritz website and I am unsure how to access it otherwise.

APPENDIX C: ANALYSIS OF EFFECTS OF VOTER ID REQUIREMENTS ON TURNOUT

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Introduction

A key area of disagreement in the policy debate over voter identification requirements concerns whether such requirements dampen turnout among those eligible to vote. Opponents of voter identification laws argue that they constitute an institutional barrier to voting, particularly among the poor, African-Americans, Hispanics, the elderly and people with disabilities (Baxter and Galloway 2005, Electionline.org 2002, Jacobs 2005, Young 2006). This argument holds that voter identification requirements create an extra demand on voters, and thus may discourage some of them from participating in elections. Further, critics of voter identification requirements contend that the effect is greater based on specific types of requirements. Critics argue that requiring voters to produce some form of government-issued photo identification on Election Day is more demanding than requiring, for example, that they state their names at the polling place because of the various steps needed to procure a photo identification card, such as a driver's license. Supporters of voter identification requirements, on the other hand, argue that the requirements are necessary to combat voter fraud, safeguard the integrity of the electoral process, and engender faith in the electoral process among citizens (Young 2006).

This report examines the potential variation in turnout rates based on the type of voter identification requirement in place in each state on Election Day 2004. This report draws from two sets of data – aggregate turnout data at the county level for each state, as compiled by the Eagleton Institute of Politics, and individual-level survey data included in the November 2004 Current Population Survey conducted by the U.S. Census Bureau. Classification of voter identification requirements comes from a review of state statutes conducted by the Moritz College of Law at the Ohio State University.

Types of voter identification requirements

Based on research by the Moritz College of Law, states had one of five types of requirements in place on Election Day 2004. Upon arrival at polling places, voters had to either: state their names (10 states); sign their names (13 states and the District of Columbia); match their signature to a signature on file with the local election board (seven states); provide a form of identification that did not necessarily include a photo (15 states); or provide a photo identification (five states).¹ It was then possible to code the states according to these requirements, and test the assumption that voter identification requirements would pose an increasingly demanding requirement in this order: stating one's name, signing one's name, matching one's signature to a signature on file, providing a form of identification, and providing a form of photo identification.

But election laws in numerous states offer exceptions to these requirements if individuals lack the necessary form of identification, and laws in those states set a minimum standard that a voter must meet in order to vote using a regular ballot (as opposed to a provisional ballot). Thus it is also possible to categorize states based on the minimum requirement for voting with a regular ballot. In 2004 the categories were somewhat different compared to the maximum requirement, in that none of the states required photo identification as a minimum standard for voting with a regular ballot. Four states, however, required voters to swear an affidavit as to their identity (Florida, Indiana, Louisiana, and North Dakota). The five categories for minimum

¹ Oregon conducts elections entirely by mail. Voters sign their mail-in ballots, and election officials match the signatures to signatures on file. For the purposes of this analysis, Oregon is classified as a state that requires a signature match.

requirements were: state name (12 states), sign name (14 states and the District of Columbia), match one's signature to a signature on file (six states), provide a non-photo identification (14 states), or swear an affidavit (four states). For the purposes of this analysis I also tested the array of minimum identification requirements to assess whether they posed increasing levels of demand on the voter: state name, sign name, match signature, provide non-photo identification, and, given the potential legal consequences for providing false information, swearing an affidavit.

Estimating turnout among citizens in the voting-age population

This report examines turnout among U.S. citizens of voting age in both the aggregate- and the individual-level data. Determining citizenship status in the individual-level data simply involved restricting the analyses to individuals who identified themselves as citizens in the November 2004 Current Population Survey. (Those who said they were not citizens did not have the opportunity to answer the supplemental voting questions contained in the Current Population Survey.)

In the aggregate data, determining the percentage of the voting-age population that has U.S. citizenship posed a methodological challenge. The Census Bureau gathers information on the citizenship status of adults ages 18 and older only during the decennial census. While the Census Bureau provides annual estimates of the population to account for changes between decennial censuses, the bureau does not offer estimates for the proportion of the adult population who are citizens as part of the annual estimates. To address this issue I estimated the 2004 citizen voting-age population for each county using a method reported in the analysis of the 2004 Election Day Survey conducted for the U.S. Election Assistance Commission (U.S. Election Assistance Commission, 2005). I calculated the percentage of the 2000 voting-age population who were citizens in 2000, and applied that percentage to the July 1, 2004 estimates for voting-age population in each county. In other words, I assumed that the percentage of the voting-age population that had U.S. citizenship in 2004 was similar to the percentage of the voting-age population who were citizens in 2000.²

Analysis of aggregate data

If one treats maximum voter identification requirements as a continuous variable, with photo identification as the most demanding requirement, one finds some statistical support for the premise that as the level of required proof increases, turnout declines. Averaging across counties in each state, statewide turnout is negatively correlated with maximum voter identification requirements ($r = -.30$, $p < .05$). In considering the array of minimum requirements, with affidavit as the most demanding requirement, however, the correlation between voter identification and turnout is negative, but it is not statistically significant ($r = -.20$, $p = .16$). This suggests that the relationship between turnout rates and minimum requirements may not be linear. Breaking down the turnout rates by type of requirement reveals in greater detail the relationship between voter identification requirements and voter turnout.

[Table 1 here]

² McDonald and Popkin (2001) recommend an even more stringent approach to voter turnout calculations. They point out that voting-age population estimates include adults who are ineligible to vote (such as convicted felons), and the estimates overlook eligible citizens living overseas. While estimates of the voting-eligible population are available at the state level, I was unable to find such estimates for individual counties, which provide the unit of analysis for the aggregate data analyzed here.

The aggregate data show that 60.9 percent of the estimated citizen voting age population voted in 2004. Differences in voter turnout at the state level in 2004 varied based on voter identification requirements. Taking into account the maximum requirements, an average of 64.2 percent of the voting age population turned out in states that required voters to state their names, compared to 58.1 percent in states that required photo identification. A similar trend emerged when considering minimum requirements. Sixty-three percent of the voting age population turned out in states requiring voters to state their names, compared to 60.1 percent in states that required an affidavit from voters. Given the lack of a clear, consistent linear relationship between turnout and minimum identification requirements, however, I opted to treat the voter identification requirements as a series of dichotomous variables in subsequent analyses.³

Voter identification requirements alone do not determine voter turnout. Multivariate models that take into account other predictors of turnout can paint a more complete picture of the relationship between voter identification requirements and turnout. I estimated the effects of voter identification requirements in multivariate models that also took into account the electoral context in 2004 and demographic characteristics of the population in each county.

I coded the voter identification requirements as a series of dummy variables, coding each variable as one if the requirement existed in a given state, and zero otherwise. This yielded five dichotomous variables for maximum requirements (state name, sign name, match signature, non-photo identification, or photo identification), and five dichotomous variables for minimum requirements (state name, sign name, match signature, non-photo identification, or providing an affidavit). I omitted the variable for stating one's name so that it could serve as the reference category in comparison with the other four identification requirements in each of the statistical analyses.

To capture electoral context I included whether the county was in a presidential battleground state (any state in which the margin of victory for the winning candidate was five percent or less), and whether the county was in a state with a competitive race for governor and/or the U.S. Senate (also using the threshold of a margin of victory of five percent or less). Another contextual factor to consider is voter registration requirements, such as the deadline for registration. As states set the deadline farther away from Election Day, the task of remembering to register to vote becomes more challenging. Thus I added a variable to reflect the number of days between each state's registration deadline and the election.⁴

Drawing from U.S. Census projections for 2003, I included the percentage of the voting-age population in each county that was Hispanic or African-American to control for ethnicity and race. I controlled for age using the 2003 Census projection for the percentage of county residents age 65 and older, and I controlled for socioeconomic status by including the median household income for 2002 in each county.⁵

³ Treating maximum voter identification requirements as a continuous variable yielded results in which voter identification requirements were negatively related to aggregate turnout. Those results can be found in Table A-1 in the Appendix to this report.

⁴ For states that had Election Day registration or no registration requirement (North Dakota), I assigned a value of zero to this variable.

⁵ To bring the income figures into a scale comparable to those of the other variables, I used the natural log of median household income.

I estimated a series of random effects models to account for the likelihood that data from counties were correlated within each state (for further explanation of random effects and other multilevel models, see Bryk and Raudenbush 1992, Luke 2004, Singer 1998).⁶ I allowed the median income variable to have both fixed and random effects in each state to take into account variation in the cost of living in each state. The dependent variable in each model was voter turnout at the county level, with turnout calculated as the percentage of the estimated citizen voting-age population that voted in the 2004 election.

[Table 2 here]

Turning first to an analysis using the maximum identification requirements, two of the four requirements had a small and negative effect on turnout in 2004: matching one's signature and providing a non-photo identification. Taking into account the reference variable of stating one's name, the results indicate that turnout was lower in states that required signature matches or a non-photo identification than in states that required voters to simply state their name, holding constant the electoral context and demographic variables.

Two contextual factors -- whether the county was in a state that was a battleground state and whether that state had a competitive race for governor and/or U.S. Senate-- increased voter turnout. The time between the closing date for registration and the election had a slight negative effect on turnout. As the percentage of Hispanics in the county's population increased, turnout declined. The percentage of senior citizens in the county and household median income had positive effects on turnout. The percentage of African-Americans in the county did not have a significant effect.

The effects of the minimum voter identification requirements were non-existent. None of the dummy variables for voter identification requirements were statistically significant. Being a battleground state and having a competitive statewide race were significant and positive, as was the percentage of senior citizens in the county and household median income. The percentage of Hispanics in the county's population continued to have a negative effect on turnout, as did the number of days between the closing date for registration and the election.

I then sought to test the hypothesis that voter identification requirements dampen turnout among minorities, a claim voiced by some critics of the requirements. To test this idea I incorporated a series of interactions between the maximum and minimum voter identification requirements and the percentage of African-Americans and Hispanics living in the counties. In each case the interactions did not improve the fit of the models to the data. A chi-square test of the difference in the deviance for each model (represented by -2 log likelihood in Table 2), showed no significant improvement by including the interactions ($p > 0.05$). I report the coefficients for the models with the interactions in the Appendix in tables A-2 and A-3.

Analysis of the aggregate data at the county level generates some support for the hypothesis that as the identification requirements for voting vary, so does turnout. Specifically, in terms of the maximum requirements, the results suggest that requiring a signature match or non-photo identification is negatively related to turnout compared to requiring that a voter state his or her name. But the analysis showed that adding interactions between identification

⁶ The data analyses provided evidence that there was, indeed, a clustering of data within each state. The intraclass correlation, bounded by 0 and 1, measures the variation between the states. A random intercept model using only the intercept as a predictor generated an intraclass correlation of .43, indicating considerable variation between the states.

requirements and the percentage of the county that was African-American or Hispanic did not improve the fit of the model to the data.

Aggregate data, however, cannot fully capture the individual demographic factors that may figure into the decision to turn out to vote. For example, previous research has found that education is a powerful determinant of turnout (Wolfinger and Rosenstone 1980, but see also Nagler 1991).⁷ Married individuals also are more likely to vote than those who are not married (Alvarez and Ansolabehere 2002; Alvarez, Nagler and Wilson 2004; Fisher, Kenny, and Morton 1993). To fully explore the effects of voter identification requirements on turnout, it is important to examine individual-level data as well.

Individual-level analysis

Individual-level turnout data exists in the November 2004 Current Population Survey conducted by the U.S. Census Bureau. The Census Bureau conducts the CPS monthly to measure unemployment and other workforce data, but the bureau adds a battery of voter participation questions to the November survey in even-numbered years to coincide with either a presidential or midterm Congressional election.

One of the advantages of the CPS is the sheer size of the sample. The survey's Voting and Registration Supplement consisted of interviews, either by telephone or in person, with 96,452 respondents.⁸ The large sample size permits analyses of smaller groups, such as Black or Hispanic voters or voters with less than a high school education. The analyses reported here are based on reports from self-described registered voters. I omitted those who said they were not registered to vote. I also excluded those who said they cast absentee ballots because the identification requirements for absentee ballots may differ from those required when one votes in person. In addition, I eliminated from the sample respondents who said they were not U.S. citizens because the questionnaire design skipped those individuals past the voter registration and turnout questions in the survey.

The dependent variable in these analyses is whether a respondent said he or she voted in the November 2004 election.⁹ As in the analysis of aggregate data, I coded the voter identification requirements as a series of dummy variables, coding each variable as one if the

⁷ A reviewer for an earlier version of this paper recommended adding an education variable to the aggregate model. One version of the aggregate model not reported here included the percentage of adults in the county who had at least a college degree. The measure was highly collinear with the percentage of residents living below the poverty line, necessitating removal of the college degree variable from the model.

⁸ It is important to note that the Census Bureau allows respondents to answer on behalf of themselves and others in the household during the interview. While proxy reporting of voter turnout raises the possibility of inaccurate reports concerning whether another member of the household voted, follow-up interviews with those for whom a proxy report had been given in the November 1984 CPS showed 99 percent agreement between the proxy report and the information given by the follow-up respondent (U.S. Census Bureau 1990).

⁹ The U.S. Census Bureau reported, based on the November 2004 CPS, that 89 percent of those who identified themselves as registered voters said they voted in 2004 (U.S. Census Bureau 2005). Previous research has shown that, generally speaking, some survey respondents overstate their incidence of voting. Researchers speculate that over-reports may be due to the social desirability that accompanies saying one has done his or her civic duty, or a reluctance to appear outside the mainstream of American political culture (U.S. Census Bureau 1990). It is also possible that voting is an indication of civic engagement that predisposes voters to agree to complete surveys at a higher rate than non-voters (Flanigan and Zingale 2002). Hence the voter turnout rates reported in the CPS tend to be up to 10 percentage points higher than the actual turnout rate for the nation (Flanigan and Zingale 2002). Even with this caveat, however, the CPS serves as a widely accepted source of data on voting behavior.

requirement existed in a given state, and zero otherwise. This yielded five dichotomous variables for maximum requirements (state name, sign name, match signature, non-photo identification, or photo identification), and five dichotomous variables for minimum requirements (state name, sign name, match signature, non-photo identification, or providing an affidavit). I omitted the variable for stating one's name so that it could serve as the reference category in comparison with the other four identification requirements in each of the statistical analyses.¹⁰

In addition to the voter identification requirements, the models include two other state-level factors that might have influenced turnout in 2004: whether the state was considered a battleground state in the presidential election, and whether there was a gubernatorial and/or U.S. Senate race in the state (see Alvarez and Ansolabehere 2002, Alvarez et al. 2004, and Kenny et al. 1993 for similar approaches). As in the aggregate data analysis, the threshold that determined whether the state was a battleground state or had a competitive statewide race was a margin of victory of five percent or less.¹¹ At the individual level, I controlled for gender, household income, and dummy variables for race/ethnicity, age and education. In terms of race and ethnicity, I created dummy variables to represent whether a voter was Black/non-Hispanic, Hispanic, or Asian (with white/non-Hispanic/other voters as the omitted category for reference purposes). I separated education into five dummy variables: less than high school, high school diploma, some college, college graduate, and graduate training. I omitted the "less than high school" variable from the model for reference purposes. Regarding age, I created four dummy variables to represent 18 to 24 years of age, 29 to 44, 45 to 64, and 65 years and older. I omitted the 18-to-24 category as the reference variable in the model.

Drawing on previous research on voting behavior, I also controlled for whether an individual was employed, or at least a member of the workforce (as opposed to being a full-time student, a homemaker, or retired). Both employment and workforce membership have been shown to be positive predictors of turnout (see Mitchell and Wlezien 1995). Marital status, whether one is a native-born citizen and residential mobility also have emerged as significant predictors of turnout (Alvarez and Ansolabehere 2002, Alvarez et al. 2004, Kenney et al. 1993, Wolfinger and Rosenstone 1980). I included in the model variables for whether a respondent was married (coded 1 if yes, 0 otherwise), and whether one was a native-born citizen (coded 1 if yes, 0 otherwise). I measured residential mobility by coding for whether the respondent had moved to a new address in the six months prior to the interview (coded 1 if yes, 0 otherwise).

Results

The dependent variable is whether a respondent said he or she voted in the November 2004 election (coded 1 for yes, 0 for no). I estimated models using probit analysis, which calculates the effects of independent variables on the probability that an event occurred – in this case whether a respondent said he or she voted. I estimated the models using robust standard errors to control for correlated error terms for observations from within the same state.

[Table 3 here]

¹⁰ Earlier versions of this paper included an individual-level analysis that included the five maximum voter identification requirements combined into a continuous variable. The results of that analysis, which found that voter identification requirements had a negative relationship with turnout, can be found in table A-4 in the Appendix.

¹¹ Given that the individual-level analysis focused on registered voters (as opposed to the citizen voting-age population in the aggregate analysis), I did not include the closing date for registration as a predictor of turnout in the individual-level analysis.

The two models in Table 3 use either the maximum or minimum voter identification requirements in each state. The two models generate similar results. In each model, three of the voter identification requirements exert a statistically significant, negative effect on whether survey respondents said they had voted in 2004. In other words, compared to states that require voters only to state their names, the requirements to sign one's name, provide a non-photo identification, photo identification in the maximum requirements or affidavit in the minimum requires exert a negative influence on turnout.

Of the other state factors, only the competitiveness of the presidential race had a significant effect on turnout. In terms of demographic influences, African-American voters were more likely than white voters or other voters to say they had cast a ballot, while Asian-Americans were less likely than white or other voters to say they had turned out. Hispanic voters were not statistically different from white or other voters in terms of reported turnout. Consistent with previous research, income, and marital status all were positive predictors of voting. Women also were more likely to say they voted than men. Among the age categories, those ages 45 to 64 and 65 and older were more likely than those ages 18 to 24 to say they voted. Respondents who had earned a high school diploma, attended some college, graduated from college or attended graduate school were all more likely to say they voted than those who had finished high school. Respondents who had moved within six months before the interview were less likely to say they had voted.

While the probit models provide statistical support for the influence of voter identification requirements and other variables on turnout, probit coefficients do not lend themselves to intuitive interpretation. Another common approach in studies of election requirements is to examine how the predicted probability of voter turnout would vary as election requirements vary. I used the probit coefficients to calculate the predicted probability of voting at each level of voter identification requirements while holding all other independent variables in the models at their means.¹² I calculated the probabilities taking into account both maximum and minimum requirements.

[Table 4 here]

Taking into account that signature matches were not a predictor of turnout, the differences in predicted probability appear to decline from stating one's name to providing a photo identification or affidavit. Voters in states that required photo identification were 2.7 percent less likely to vote than voters in states where individuals had to give their names.¹³ In terms of the minimum requirement, voters in states that required an affidavit at minimum were 4 percent less likely to turn out than voters in states where they had to give their names.

The differences were more pronounced for those lower in education. Constraining the model to show predicted probabilities only for those with less than a high school diploma, the probability of voting was 5.1 percent lower in states that required photo identification as the maximum

¹² In the case of dichotomous independent variables, holding them at their mean amounted to holding them at the percentage of the sample that was coded 1 for the variable (Long 1997).

¹³ The voter turnout percentages may seem disproportionately high compared to the turnout rates reported in the aggregate data analysis. It is important to consider that the turnout rates in the aggregate data were a proportion of all citizens of voting-age population, while the turnout rates for the individual-level data are the proportion of only registered voters who said they voted.

requirement and 7 percent lower in states that required an affidavit as the minimum requirement compared to states where stating one's name was the maximum or minimum requirement.

Race and ethnicity have generated particular interest in the debate over voter identification requirements. But incorporating dummy variables for Hispanics, African-Americans, and Asian-Americans into one model carries the implicit assumption that the remaining variables, including education and income, will influence each of these groups in a similar manner in terms of deciding whether to vote. These assumptions are not always born out by the data (see Leighley and Vedlitz, 1999.) To isolate the effects of voter identification and other variables on voter turnout within specific racial and ethnic groups, I divided the sample into sub-samples and re-ran the probit models.

[Table 5 here]

The effects of voter identification requirements were similar for white voters compared to the entire sample, which was not surprising given that white voters comprised 81 percent of the sample. Voters in states where the maximum requirement involved signing one's name, providing a non-photo identification or photo identification were less likely to vote than those in a state that required voters to give their names. Taking into consideration the minimum requirements, this was true only for voters in states that require a non-photo identification or an affidavit. White voters in photo identification states were 3.7 percent less likely to vote than were white voters in states where respondents gave their names. The difference in probability was 4.4 percent for voters in states where an affidavit was the minimum requirement.

Voter identification requirements also influenced turnout among Black voters, but to a lesser extent relative to white voters.

[Table 6 here]

Of the maximum voter identification requirements, only the non-photo identification requirement reduced turnout compared to turnout in states that required voters to state their names. The predicted probability of voting was 5.7 percent lower for Black respondents in states that required non-photo identification. In terms of age, only African-Americans age 65 and older were more likely to vote than respondents in the 18 to 24 referent group. Respondents in all levels of education were more likely to vote than respondents without a high school diploma. Gender, income, living in a battleground state, being a part of the workforce and having been born in the United States also were positive predictors. Recent mobility tended to lower the probability of voting. None of the minimum identification requirements had a significant effect on voting, while most of the remaining variables had effects similar to those in the maximum requirement model.

Hispanic voters also were less likely to vote in states that required non-photo identification as opposed to stating one's name.

[Table 7 here]

Using the coefficients from Table 7 to calculate predicted probabilities, for both the maximum and minimum requirements, Hispanic voters were 10 percent less likely to vote in non-photo identification states compared to states where voters only had to give their name. Hispanic voters ages 45 to 64 and 65 and over were more likely to vote than their 18-to-24-year-old counterparts. Education and income also were positive predictors of voting. Interestingly, being

a native-born citizen lowered the probability of voting, while native-born citizenship was a positive predictor for African-American voters and was not a predictor at all for white voters. It may be that naturalized citizens of Hispanic descent are more conscious of the value of voting rights than other groups.

Varying voter identification requirements influenced Asian-American voters as well. As with Hispanic and Black voters, Asian-American voters were less likely to turn out in states with non-photo identification requirements than in states where voters gave their names.

[Table 8 here]

Using the probit coefficients to calculate predicted probabilities, Asian-American voters were 8.5 percent less likely to vote in states that required non-photo identification compared to states that require voters to state their names under the maximum requirements, and they were 6.1 percent less likely to vote where non-photo identification was the minimum requirement. Asian-American voters also were 2.2 percent less likely to vote when signatures were the maximum requirement compared to stating one's name.

In terms of other predictors, there were no significant differences in terms of age or income. In contrast to Hispanic voters, where one was a naturalized or natural-born citizen did not affect the probability of voting. Those with high school or college diplomas or graduate training were more likely to turn out than those with less than a high school diploma. Women and married voters also were more likely to turn out than men and voters who were not married.

Discussion and conclusion

The results presented here provide evidence that as voter identification requirements vary, voter turnout does as well. This point emerged from both the aggregate data and the individual-level data, although not always for both the maximum and minimum sets of requirements. The overall effect for all registered voters was fairly small, but still statistically significant.

In the aggregate data, requirements that voters match signatures on file or provide a non-photo identification had negative effects on turnout compared to requiring that voters state their names. Interactions with specific groups – African-Americans and Hispanics – did not improve the fit of the aggregate data to the models. But differences emerged among specific groups in the individual-level data. For the overall sample, the signature, non-photo identification and photo identification requirements all had negative effects compared to the requirement that voters simply state their names. These effects translated into reduced probabilities of voting of about 3 to 4 percent for the entire sample, with larger differences for specific subgroups. For example, the predicted probability that Hispanics would vote in states that required non-photo identification was about 10 percentage points lower than in states where Hispanic voters gave their names. The difference was about 6 percent for African-Americans and Asian-Americans, and about 2 percent for white voters (the gap widened to 3.7 percent for white voters when comparing photo identification to simply stating one's name).

That the non-photo identification requirement was the most consistent in terms of statistical significance across the groups is intriguing given the intense debates surrounding photo identification requirements. This begs the question as to why photo identification requirements did not have a greater influence in 2004. It may have been due to the fact that

photo identification was a maximum requirement in only five states, and each of those states accepted another type of identification as a minimum requirement.

In examining the effects of voter identification requirements on turnout, there is still much to learn. The data examined in this project could not capture the dynamics of how identification requirements might lower turnout. If these requirements dampen turnout, is it because individuals are aware of the requirements and stay away from the polls because they cannot or do not want to meet the requirements?¹⁴ Or, do the requirements result in some voters being turned away when they cannot meet the requirements on Election Day? The CPS data do not include measures that can answer this question. Knowing more about the “on the ground” experiences of voters concerning identification requirements could guide policy-makers at the state and local level in determining whether and at what point in the electoral cycle a concerted public information campaign might be most effective in helping voters to meet identification requirements. Such knowledge also could help in designing training for election judges to handle questions about, and potential disputes over, voter identification requirements.

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¹⁴ The individual-level data offer some insight here. If advance knowledge of the voter identification requirements were to dampen turnout, it is reasonable to expect that advance knowledge of those requirements also could discourage some individuals from registering to vote. I ran the same probit models using the November 2004 Current Population Survey data and voter registration as the dependent variable (coded 1 if the respondent said he or she was registered, and 0 if the respondent was not registered). Of all of the voter identification requirements, only requiring signatures or matching signatures had a significant effect on whether a respondent said he or she was registered to vote in 2004. In each instance the effect was negative.

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Table 1 – Variation in 2004 State Turnout Based on Voter Identification Requirements

Maximum Requirement		Minimum Requirement	
Voter Identification Required in the States	Mean Voter Turnout for States in that Category	Voter Identification Required in the States	Mean Voter Turnout for States in that Category
State Name	64.2 %	State Name	63.0 %
Sign Name	61.1 %	Sign Name	60.8 %

Match Signature	60.9 %
Provide Non-Photo	59.3 %
ID	
Provide Photo ID	58.1 %
<i>Average Turnout for</i>	
<i>All States</i>	

Match Signature	61.7 %
Provide Non-Photo	59.0 %
ID	
Swear Affidavit	60.1 %
<i>60.9 %</i>	

Table 2. Predictors of 2004 turnout at the county level taking into account maximum and minimum voter identification requirements

Variable	Maximum Requirements		Minimum Requirements	
	Unstandardized Estimate	Standard Error	Unstandardized Estimate	Standard Error
Intercept	-1.34**	0.14	-1.36**	0.4
Sign Name	-0.01	0.012	0.002	0.02
Match Signature	-0.03*	0.014	-0.001	0.02
Non-photo ID	-0.04**	0.013	-0.01	0.02
Photo Identification	-0.02	0.019	----	----
Affidavit	----	----	-0.01	0.02
Battleground State	0.04**	0.01	0.04**	0.01
Competitive Senate/Governor's Race	0.04**	0.01	0.04*	0.02
Registration Closing Date	-0.002**	0.0005	-0.003**	0.001
% African-American	0.02	0.01	0.02	0.01
% Hispanic	-0.05**	0.01	-0.05**	0.01
% Age 65 or older	0.82**	0.03	0.82**	0.03
Median Household Income	0.18**	0.01	0.18**	0.01
-2 Log Likelihood	-8953.8		-8946.9	

Coefficients are restricted maximum likelihood estimates. N = 3,111. * p < .05 ** p < .01 (one-tailed tests)

Table 3. Probit model of voter turnout.

Variable	Maximum Requirements		Minimum Requirements	
	Unstandardized	Standard	Unstandardized	Standard
	Estimate	Error	Estimate	Error
Sign name	-0.11*	0.05	-0.08*	0.04
Match signature	-0.04	0.05	-0.03	0.05
Non-photo ID	-0.16**	0.06	-0.15**	0.05
Photo ID	-0.17**	0.07	----	----
Affidavit	----	----	-0.23**	0.06
Hispanic	-0.08	0.05	-0.08	0.05
African-American	0.24**	0.04	0.24**	0.04
Asian-American	-0.37**	0.07	-0.38**	0.07
Age 25-44	0.004	0.02	0.003	0.02
Age 45-64	0.26**	0.03	0.26**	0.03
Age65+	0.43**	0.03	0.43**	0.03
High School	0.31**	0.02	0.31**	0.02
Some college	0.57**	0.03	0.57**	0.03
College	0.88**	0.04	0.88**	0.04
Graduate School	0.98**	0.05	0.98**	0.05
Household income	0.03**	0.003	0.03**	0.003
Married	0.23**	0.02	0.23**	0.02
Female	0.10**	0.01	0.10**	0.01
Battleground state	0.17**	0.04	0.18**	0.04
Competitive race	0.05	0.06	0.05	0.05
Employed	0.05	0.05	0.05	0.05
Member of workforce	-0.05	0.05	-0.05	0.05
Native-born citizen	0.02	0.04	0.02	0.04
Moved within past 6 months	-0.29**	0.03	-0.29**	0.03
Constant	-0.09	0.10	-0.09	0.09
Pseudo-R-Squared	0.09		0.10	

Notes: N = 54,973 registered voters

p < .05* p < .01** (one-tailed tests)

Models were estimated with robust standard errors to correct for correlated error terms within each state.

Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004

Table 4. Predicted probability of voter turnout – full model

	Maximum requirement	Minimum requirement
State name	0.917	0.915
Sign name	0.899	0.902
Match signature	(N.S.)	(N.S.)
Non-photo ID	0.890	0.890
Photo ID	0.888	----
Affidavit	----	0.875
Total difference from “state name” to “photo identification” or “affidavit”	0.029	0.040
N	54,973	

Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies stating one's name to providing photo identification or an affidavit, with all other variables held constant. N.S. = nonsignificant coefficient in the probit model.

Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.

Table 5. Probit model of turnout for White voters.

Variable	Maximum Requirements		Minimum Requirements	
	Unstandardized Estimate	Standard Error	Unstandardized Estimate	Standard Error
Sign name	-0.10*	0.05	-0.07	0.04
Match signature	-0.04	0.05	-0.01	0.06
Non-photo ID	-0.14**	0.06	-0.14**	0.06
Photo ID	-0.22**	0.08	----	----
Affidavit	----	----	-0.26**	0.05
Age 25-44	-0.01	0.03	-0.01	0.03
Age 45-64	0.25**	0.03	0.25**	0.03
Age 65+	0.44**	0.04	0.44**	0.04
High School	0.36**	0.03	0.36**	0.03
Some college	0.64**	0.03	0.64**	0.03
College	0.95**	0.04	0.96**	0.04
Graduate School	1.05**	0.05	1.05**	0.05
Household income	0.03**	0.004	0.03**	0.003
Married	0.27**	0.02	0.27**	0.02
Female	0.09**	0.01	0.09**	0.01
Battleground state	0.16**	0.04	0.16**	0.04
Competitive race	0.07	0.07	0.07	0.06
Employed	0.08	0.05	0.08	0.05
Member of workforce	0.0003	0.05	0.003	0.05
Native-born citizen	0.08	0.08	0.08	0.08
Moved within past 6 months	-0.28**	0.03	-0.28**	0.03
Constant	-0.23*	0.11	-0.24**	0.10
Pseudo-R-Squared	.10		.10	

Notes: N = 44,760 registered voters

p < .05* p < .01** (one-tailed tests)

Models were estimated with robust standard errors to correct for correlated error terms within each state.

Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004

Table 6. Probit model of turnout for African-American voters.

Variable	Maximum Requirements		Minimum Requirements	
	Unstandardized Estimate	Standard Error	Unstandardized Estimate	Standard Error
Sign name	-0.13	0.09	-0.08	0.13
Match signature	-0.05	0.10	-0.17	0.13
Non-photo ID	-0.24**	0.07	-0.14	0.12
Photo ID	-0.10	0.12	----	----
Affidavit	----	----	-0.05	0.19
Age 25-44	-0.004	0.09	-0.004	0.09
Age 45-64	0.12	0.09	0.13	0.09
Age 65+	0.30**	0.12	0.31**	0.12
High School	0.24**	0.06	0.25**	0.06
Some college	0.40**	0.07	0.40**	0.07
College	0.69**	0.08	0.68**	0.08
Graduate School	0.99**	0.19	0.98**	0.19
Household income	0.04**	0.01	0.05**	0.008
Married	0.11	0.07	0.11	0.07
Female	0.14**	0.04	0.14**	0.04
Battleground state	0.13*	0.07	0.21**	0.08
Competitive race	-0.10	0.07	-0.16	0.10
Employed	-0.09	0.11	-0.09	0.10
Member of workforce	-0.32**	0.12	-0.31**	0.11
Native-born citizen	0.31**	0.11	0.28**	0.12
Moved within past 6 months	-0.32**	0.06	-0.32**	0.06
Constant	0.16	0.18	0.12	0.17
Pseudo-R-Squared	0.09		0.09	

Notes: N = 5,013 registered voters

p < .05* p < .01** (one-tailed tests)

Models were estimated with robust standard errors to correct for correlated error terms within each state.

Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004

Table 7. Probit model of turnout for Hispanic voters.

Variable	Maximum Requirements		Minimum Requirements	
	Unstandardized	Standard	Unstandardized	Standard
	Estimate	Error	Estimate	Error
Sign name	-0.20	0.20	-0.19	0.11
Match signature	-0.12	0.20	-0.18	0.12
Non-photo ID	-0.40*	0.20	-0.38**	0.13
Photo ID	-0.13	0.23	----	----
Affidavit	----	----	-0.25	0.16
Age 25-44	0.11	0.09	0.11	0.09
Age 45-64	0.35**	0.10	0.36**	0.10
Age 65+	0.38**	0.11	0.40**	0.11
High School	0.18**	0.08	0.19*	0.08
Some college	0.46**	0.07	0.46**	0.07
College	0.63**	0.11	0.64**	0.11
Graduate School	0.72**	0.13	0.73**	0.13
Household income	0.03**	0.01	0.03**	0.01
Married	0.05	0.06	0.05	0.06
Female	0.09*	0.04	0.09*	0.04
Battleground state	0.31**	0.06	0.36**	0.07
Competitive race	-0.06	0.13	-0.05	0.13
Employed	0.13	0.12	0.14	0.12
Member of workforce	0.07	0.13	0.08	0.13
Native-born citizen	-0.18**	0.07	-0.20**	0.07
Moved within past 6 months	-0.38**	0.08	-0.39**	0.08
Constant	0.22	0.27	0.21	0.20
Pseudo-R-Squared	0.08		0.08	

Notes: N = 2,860 registered voters

p < .05* p < .01** (one-tailed tests)

Models were estimated with robust standard errors to correct for correlated error terms within each state.

Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004

Table 8. Probit model of turnout for Asian-American voters.

Variable	Maximum Requirements		Minimum Requirements	
	Unstandardized Estimate	Standard Error	Unstandardized Estimate	Standard Error
Sign name	-0.37**	0.20	-0.26	0.17
Match signature	-0.17	0.22	-0.01	0.21
Non-photo ID	-0.40**	0.21	-0.28*	0.16
Photo ID	-0.30	0.21	----	----
Affidavit	----	----	0.12	0.30
Age 25-44	-0.11	0.23	-0.10	0.23
Age 45-64	0.06	0.26	0.08	0.26
Age 65+	0.14	0.36	0.17	0.34
High School	0.54**	0.21	0.55**	0.21
Some college	0.36	0.31	0.36	0.31
College	0.67**	0.22	0.66**	0.23
Graduate School	0.57*	0.25	0.55*	0.26
Household income	0.01	0.01	0.01	0.01
Married	0.34**	0.13	0.34**	0.13
Female	0.16*	0.09	0.16*	0.08
Battleground state	0.29*	0.14	0.23	0.16
Competitive race	0.33*	0.19	0.27	0.22
Employed	-0.24	0.33	-0.25	0.33
Member of workforce	-0.54	0.35	-0.55	0.35
Native-born citizen	0.14	0.12	0.16	0.11
Moved within past 6 months	-0.38*	0.17	-0.39*	0.17
Constant	0.36	0.52	0.29	0.51
Pseudo-R-Squared	0.08		0.08	

Notes: N = 912 registered voters

p < .05* p < .01** (one-tailed tests)

Models were estimated with robust standard errors to correct for correlated error terms within each state.

Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004

Appendix

Table A-1. Predictors of 2004 turnout at the county level taking into account maximum voter identification requirements treated as a continuous variable.

Variable	Unstandardized Estimate	Standard Error
Intercept	-1.33**	0.14
Voter Identification Requirements	-0.01**	0.004
Battleground State	0.04**	0.01
Competitive Senate/Governor's Race	0.04**	0.01
% African-American	0.02	0.01
% Hispanic	-0.05**	0.01
% Age 65 or older	0.82**	0.03
Median Household Income	0.18**	0.01
Registration Closing Date	-0.002**	0.001
-2 Log Likelihood	-8970.1	

Coefficients are restricted maximum likelihood estimates. N = 3,111.

* p < .05 ** p < .01 (one-tailed tests).

Table A-2. Predictors of 2004 turnout at the county level taking into account maximum voter identification requirements and interactions.

Variable	Unstandardized Estimate	Standard Error
Intercept	-1.39**	0.14
Sign Name	-0.02	0.013
Match Signature	-0.03*	0.02
Non-photo ID	-0.05**	0.01
Photo Identification	-0.05**	0.02
Battleground State	0.04**	0.01
Competitive Senate/Governor's Race	0.04**	0.01
% African-American	-0.02	0.03
% Hispanic	-0.22**	0.10
% Age 65 or older	0.8**	0.03
Median Household Income	0.18**	0.01
Registration Closing Date	-0.002**	0.001
Signature*African-American	0.02	0.04
Match Signature*African-American	0.16**	0.07
Non-photo ID*African-American	0.03	0.03
Photo ID*African-American	0.20**	0.05
Signature*Hispanic	0.14	0.09
Match Signature*Hispanic	-0.01	0.11
Non-photo ID*Hispanic	0.20**	0.09
Photo ID*Hispanic	0.03	0.11
-2 Log Likelihood	-8966.7	

Coefficients are restricted maximum likelihood estimates. N = 3,111.

* p < .05 ** p < .01 (one-tailed tests).

Table A-3. Predictors of 2004 turnout at the county level taking into account minimum voter identification requirements and interactions.

Variable	Unstandardized Estimate	Standard Error
Intercept	-1.39**	0.14
Sign Name	0.0003	0.016
Match Signature	-0.001	0.02
Non-photo ID	-0.02	0.02
Affidavit	-0.02	0.02
Battleground State	0.04**	0.01
Competitive Senate/Governor's Race	0.04**	0.02
% African-American	-0.02	0.02
% Hispanic	-0.19**	0.08
% Age 65 or older	0.82**	0.03
Median Household Income	0.18**	0.01
Registration Closing Date	-0.003**	0.001
Signature*African-American	-0.007	0.03
Match Signature*African-American	0.15**	0.05
Non-photo ID*African-American	0.04	0.03
Affidavit*African-American	0.18**	0.05
Signature*Hispanic	0.12	0.08
Match Signature*Hispanic	-0.03	0.11
Non-photo ID*Hispanic	0.17*	0.08
Affidavit*Hispanic	-0.04	0.10
-2 Log Likelihood	-8960.8	

Coefficients are restricted maximum likelihood estimates. N = 3,111.

* p < .05 ** p < .01 (one-tailed tests).

Table A-4. Probit model of voter turnout treating maximum voter identification requirements as a continuous variable.

Variable	Unstandardized Estimate	Standard Error
Voter Identification Requirements	-0.04**	0.02
Hispanic	-0.09	0.05
African-American	0.24**	0.04
Asian-American	-0.38**	0.07
Age 25-44	0.005	0.02
Age 45-64	0.26**	0.03
Age 65+	0.43**	0.03
High School	0.31**	0.02
Some college	0.57**	0.03
College	0.87**	0.04
Graduate School	0.98**	0.05
Household income	0.03**	0.003
Married	0.23**	0.02
Female	0.10**	0.01
Battleground state	0.19**	0.04
Competitive race	0.04	0.05
Employed	0.05	0.05
Member of workforce	-0.05	0.05
Native-born citizen	0.02	0.04
Moved within past 6 months	-0.29**	0.03
Constant	-0.08	0.10
Pseudo-R-Squared	0.09	

Notes: N = 54,973 registered voters

p < .05* p < .01** (one-tailed tests)

Models were estimated with robust standard errors to correct for correlated error terms within each state.

Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004

**APPENDIX D: ANNOTATED BIBLIOGRAPHY
ON VOTER IDENTIFICATION ISSUES**

June 28, 2006

Law Journals

- Angelo J. Genova & Rebecca Moll Freed, *The Right to Vote and Be Counted: A Liberty at Risk*, 233 N.J. LAW 44, Apr. 2005.
 - Discusses HAVA a lot
- George W. Grayson, *Registering and Identifying Voters: What the United States Can Learn From Mexico*, 3 ELECTION L.J. 513 (2004).
 - Benefits of US adopting Mexican system of identifying voters and voter registration
- Robert A. Pastor, *Improving the U.S. Electoral System: Lessons from Canada and Mexico*, 3 ELECTION L.J. 584 (2004).
 - Discusses HAVA, problems of 2000 election, discusses registration & identification
- Brian Kim, *Recent Development: Help America Vote Act*, 40 HARV. J. ON LEGIS. 579 (Summer 2003).
 - Discussion of HAVA requirements and voter ID, problems in 2000
- Robert L. McCurley, *Legislative Wrap-Up: Election Law Changes*, 64 ALA. LAW. 364, Nov. 2003.
 - Discusses changes in AL to their election law in 2003, including adding voter ID
 - HAVA discussed
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 - Discusses challenging elections based on voter fraud & illegal votes
- Rebecca Barrett, *Election*, 18 GA. ST. U. L. REV. 114 (Fall 2001).
 - Discusses a GA law in 2001 removing hunting & fishing licenses from list of acceptable ID and a failed amendment to limit acceptable ID to photo ID only
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 - General discussion of ways voters are verified, what happens when voters are challenged as illegal voters
- John Victor Berry, *Take the Money and Run: Lame-Ducks "Quack" and Pass Voter Identification Provisions*, 74 U. DET. MERCY L. REV. 291 (Winter 1997).
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 - arguments against photo ID
- Deborah S. James, Note, *Voter Registration: A Restriction on the Fundamental Right to Vote*, 96 YALE L.J. 1615 (1987).
 - Discusses voter registration as a way to combat fraud & several different ways to do it

Historical articles:

- Gabrielle B. Ruda, Note, *Picture Perfect: A Critical Analysis of the Debate on the 2002 Help America Vote Act*, 31 FORDHAM URB. L.J. 235 (November 2003).
 - Lot of analysis on HAVA and voter ID
 - Little bit of historical
 - Arguments for and against certain types of voter ID laws

- Kimberly C. Delk, *What Will it Take to Produce Greater American Voter Participation? Does Anyone Really Know?*, 2 LOY. J. PUB. INT. L. 133 (Spring 2001).
 - History of voting & requirements & laws throughout time
 - Future: I-voting & e-registration – improvements in voter ID which would result

Marginally relevant/limited discussion of Voter ID issues

- Jeanne S. Zaino & Jeffrey T. Zaino, *The Changing Landscape of Election Disputes*, 59 DISP. RESOL. J. 11 (Aug. – Oct. 2004).
 - Discusses HAVA & implementation
- Symposium, *Disability Law, Equality, and Difference: American Disability Law and the Civil Rights Model, Alabama Section*, 55 ALA. L. REV. 1167 (Summer 2004).
 - Discusses an AL law expanding exemptions to ID requirement if 2 poll workers identify them
- Bryan Mercurio, *Democracy in Decline: Can Internet Voting Save the Electoral Process*, 22 J. MARSHALL J. COMPUTER & INFO. L. 409 (Winter 2004).
 - Internet voting
- Kristen E. Larson, Note, *Cast Your Ballot.com: Fulfill Your Civic Duty over the Internet*, 27 WM. MITCHELL L. REV. 1797 (2001).
 - Voter ID and Internet voting
 - Costs & Benefits of Internet voting
 - States using or examining Internet voting
- Hugh M. Lee, *An Analysis of State and Federal Remedies for Election Fraud, Learning from Florida's Presidential Election Debacle?*, 63 U. Pitt. L. Rev. 159 (Fall, 2001).
 - Discusses illegal ballots, fraudulent registration
- Katharine Hickel Barondeau & Terry M. Jarrett, *The Florida Election Debacle: Can it Happen in Missouri?*, 57 J. Mo. B. 294, Nov./Dec. 2001.
 - Anti fraud election reform in Missouri
- Priscilla L. Southwell & Justin Burchett, *Vote-by-Mail in the State of Oregon*, 34 Willamette L. Rev. 345 (Spring 1998).
 - Vote by mail and discusses fraud issues involved
- Jonathan E. Davis, *Comment: The National Voter Registration Act of 1993: Debunking States' Rights Resistance and the Pretense of Voter Fraud*, 6 Temp. Pol. & Civ. Rts. L. Rev. 117 (Fall 1996/Spring 1997).
 - Voter fraud arguments against NVRA
- James A. Gardner, *Consent, Legitimacy and Elections: Implementing Popular Sovereignty Under the Lockean Constitution*, 52 U. PITT. L. REV. 189 (Fall 1990).
 - History of voting and requirements
 - Theory

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**APPENDIX E: STATE STATUTES AND REGULATIONS
AFFECTING VOTER IDENTIFICATION**

**Sara A. Sampson
Reference Librarian
Moritz College of Law
June 28, 2006**

Alabama

Summary:

In Alabama, all voters must show identification prior to voting at the polls. Ala. Code § 17-11A-1 (2005). The identification forms permitted are similar to the forms permitted under HAVA. *Id.* Alabama also permits a voter who lacks identification to be identified by two poll workers who can attest to the voter's identity. *Id.* If the voter lacks identification and no two poll workers can vouch for him, the voter may sign an affidavit and vote a provisional ballot. *Id.*

Absentee voters who registered by mail and are voting for the first time in an election for federal office must also provide identification. Ala. Code § 17-10A-1 (2005). They may provide the identification with their ballot or their registration or at any time prior to the election. *Id.* If an absentee voter required to provide identification does not provide it, his ballot will be considered a provisional ballot. Ala. Code § 17-10A-2 (2005). The voter must provide identification by the Monday following the election in order for his ballot to count. *Id.*

There are two bills pending in the Alabama legislature. One would eliminate social security cards as a valid form of identification. HB 218, 2005 Reg. Sess. (Ala. 2005). The other would require proof of citizenship with registration. HB 743, 2005 Reg. Sess. (Ala. 2005).

- **Statutes:** Ala. Code § 17-11A-1 (2005).
 - **Passed:**
 - § 17-11A-1 – 2003
- **Session law/recent legislation passed:** none
- **Pending legislation:**
 - HB 218, 2005 Reg. Sess. (Ala. 2005): eliminates social security card as valid identification [pending].
 - HB 743, 2005 Reg. Sess. (Ala. 2005): requires proof of citizenship with voter registration [4/6/05 in committee].
- **Case law (from annotations):** none
- **Administrative regulations:** none for voter identification.
- **What the law requires:**
 - **Is ID required?**
 - **At polls – all voters:**
 - All voters must show identification. Ala. Code § 17-11A-1 (2005).
 - **Absentee voters:**
 - Only those who registered by mail and have not voted in a federal election (HAVA requirement). Ala. Code § 17-10A-1 (2005).
 - **First time voters or all?**
 - All voters at polls. Ala. Code § 17-11A-1 (b) (2005).
 - **When?**

- At the polls for all in-person voters. Ala. Code § 17-11A-1 (2005).
- At either registration or with mailed ballot or prior to election day for voters voting by mail. Ala. Code § 17-10A-1 (2005).
- **What types of ID?**
 - Valid photo identification: government issued, issued by employer, student identifications from AL schools
 - Or
 - A copy of a current utility bill, bank statement, government check, or paycheck
 - Or
 - Other government document: identification card issued by government agency (AL state or federal), passport, AL hunting license, AL gun permit, pilot's license, military identification card, birth certificate, social security card, naturalization certificate, copy of court record of name change or adoption, or Medicare or Medicaid card
 - Or
 - Identified by two poll worker who will attest to the voter's identity.
 - Ala. Code § 17-11A-1 (2005).
- **State or federal elections?**
 - All elections. Ala. Code § 17-11A-1 (2005).
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Provisional ballot. Ala. Code § 17-11A-1 (e) (2005).
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Affidavit. Ala. Code § 17-10A-2 (b)(2) (2005).
 - Absentee voters whose ballots are considered provisional must provide identification by the Monday following the election or their ballots will not be counted. Ala. Code § 17-10A-2 (2005).
- **Challenge available at polls?**
 - No. Statute repealed in 2003. Ala. Code § 17-12-1 (2005).

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: July 20, 2005
RE: States for ID requirements chart: Alaska

Alaska

Summary:

At the polls, all voters must provide proof of identification. Alaska Stat. § 15.15.225 (2005). Absentee voters are required to provide identification as well. Alaska Stat. § 15.20.081 (2005). The types of identification permitted are: an official voter registration card, driver's license, state identification card, current and valid photo identification, birth certificate, passport, hunting or fishing license, an original or a copy of a current utility bill, bank statement, paycheck, government check, or other government document. Alaska Stat. § 15.15.225 (2005). Alternatively, a voter who is known to an election official may have the requirement waived (except if he registered by mail and is voting for the first time). *Id.* Without identification, a voter may sign a statement and vote a questioned ballot. *Id.*

There are no pending or recently passed bills concerning voter identification.

- **Statutes:** Alaska Stat. § 15.15.225 (2005).
 - **Passed:**
 - §15.15.225 – 1980
- **Session law/recent legislation passed:** none
- **Pending legislation:** none
- **Case law (from annotations):** none
- **Administrative regulations:** none concerning voter identification.
- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - None
 - **Absentee voters:**
 - Must provide proof of identification. Alaska Stat. § 15.20.081 (2005).
 - **At polls:**
 - All voters required to show identification at polls. Alaska Stat. § 15.15.225 (2005).
 - **First time voters or all?**
 - All voters. Alaska Stat. § 15.15.225 (2005).
 - **When?**
 - At polls. Alaska Stat. § 15.15.225 (2005).

- **What types of ID?**
 - An official voter registration card, driver's license, state identification card, current and valid photo identification, birth certificate, passport, or hunting or fishing license;

OR

 - an original or a copy of a current utility bill, bank statement, paycheck, government check, or other government document; must show the name and current address of the voter;

OR

 - have the requirement waived because the voter is known to an election official (first time voters who registered by mail or fax may not have the requirement waived)
 - Alaska Stat. § 15.15.225 (2005).
- **State or federal elections?**
 - All elections. Alaska Stat. § 15.15.225 (2005).
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Questioned ballot. Alaska Stat. § 15.15.225 (2005).
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Sign a statement. Alaska Stat. § 15.15.215 (2005); Alaska Stat. § 15.15.210 (2005).
- **Challenge available at polls?**
 - Yes. Alaska Stat. § 15.15.210 (2005).
- **Miscellaneous:**
 - Has early voting – early voters may vote early at specified locations for fifteen days prior to the election & must show identification (same forms and procedure as at the polls on election day). Alaska Stat. § 15.20.064 (2005).

MEMORANDUM

TO: Sara Sampson

FROM: Jamie LaPlante

DATE: July 21, 2005 [Note that the law has changed- the chart reflects law current to 9/1/05]

RE: States for ID requirements chart: Arizona

Arizona

Summary:

Recently, in the 2004 election, Arizona passed Prop. 200, which included a vague requirement of identification at the polls. All voters at the polls must provide either one form of identification with their name, address, and photo or two forms of identification with their name and address. Ariz. Rev. Stat. § 16-579 (2004). The requirement is not more specific regarding the types of identification accepted and the consequences of having no identification. The legislature and the governor have yet to agree on the specifics for this requirement.

There were four bills which were introduced in this session concerning voter identification. HB 2658 and 2044 would define the identification types broadly, similar to HAVA. HB 2658, 47th Leg., 1st Reg. Sess. (Ariz. 2005); HB 2044, 47th Leg., 1st Reg. Sess. (Ariz. 2005). SB 1186 and 1118 would also define identification broadly but would also require proof of citizenship at registration and showing identification prior to voting a provisional ballot. SB 1186, 47th Leg., 1st Reg. Sess. (Ariz. 2005); SB 1118, 47th Leg., 1st Reg. Sess. (Ariz. 2005). Both SB 1186 and 1118 passed both houses but were vetoed by the governor because of the identification requirement for provisional voting.

- **Statutes:** Ariz. Rev. Stat. § 16-579 (2004). [Part of Prop. 200 from 2004 election]
 - **Passed:**
 - § 16-579 – 2004
 - No details regarding particulars of these requirements have been decided between the legislature and governor; last proposal by legislature was vetoed by the governor.
- **Session law/recent legislation passed:** Prop. 200 in November 2004 (see above).
- **Pending legislation:**
 - HB 2658, 47th Leg., 1st Reg. Sess. (Ariz. 2005): defines identification as a document delivered through postal system, bill, bank statement, paycheck, government issued document, employee identification document, tribal document, military identification card, or passport; provides for provisional voting for those lacking identification. [2/15/05 second reading in House]
 - HB 2044, 47th Leg., 1st Reg. Sess. (Ariz. 2005): provides that any identification with the voter's address and matching the information in the signature record is sufficient. [third reading in House 3/3/05]
 - SB 1186, 47th Leg., 1st Reg. Sess. (Ariz. 2005): requires proof of citizenship at registration; requires identification in order to vote a

provisional ballot; does not specify identification types further than under Prop. 200 [vetoed on 5/20/05].

- SB 1118, 47th Leg., 1st Reg. Sess. (Ariz. 2005): similar bill [vetoed 4/1/05].

- **Case law (from annotations):** none
- **Administrative regulations:** none
- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - None.
 - **Early voting:**
 - Must provide date and state of birth with request for early ballot. Ariz. Rev. Stat. § 16-542 (A) (2004).
 - If the voter is voting for the first time, he shall submit a copy of identification (HAVA compliance) [but keep in mind this statute was passed prior to Prop. 200, and when the specifics of the identification requirement are worked out, this requirement may be modified as well]. Ariz. Rev. Stat. § 16-542 (C) (2004).
 - **At polls:**
 - All voters must provide either one form of identification with their name, address, and photo or two forms of identification with their name and address [Prop. 200]. Ariz. Rev. Stat. § 16-579 (2004).
- **First time voters or all?**
 - All voters. Ariz. Rev. Stat. § 16-579 (2004).
- **When?**
 - At the polls. Ariz. Rev. Stat. § 16-579 (2004).
- **What types of ID?**
 - None specified yet.
- **State or federal elections?**
 - Both. Ariz. Rev. Stat. § 16-579 (2004).
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Not specified yet.
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Not specified yet.
- **Challenge available at polls?**
 - Yes. Ariz. Rev. Stat. § 16-591 (2004).
- **Miscellaneous:**
 - Has early voting in which any voter may take part. Ariz. Rev. Stat. § 16-542 (2004).

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: July 21, 2005
RE: States for ID requirements chart: Arkansas

Arkansas

Summary:

Arkansas voters are required to identify themselves and state their address or date of birth to election officials at the polls. Ark. Code Ann. § 7-5-305 (2005). They also must provide identification at the polls. *Id.* The forms of identification are the same forms as permitted under HAVA. *Id.* This requirement applies to state and federal elections. *Id.* Without identification, a first time voter who registered by mail must sign an affidavit and vote provisionally. *Id.* For all other voters without identification, they may vote a regular ballot, but precinct officials will note in the precinct list that they did not provide identification. *Id.* The prosecutor may wish to use the list to prosecute potential election fraud.

Arkansas also has early voting, but the procedure for identification is the same as election day voting.

As required by HAVA, absentee voters who registered by mail and are voting for the first time must provide identification with their ballot if they did not do so with their registration. Ark. Code Ann. § 7-5-201 (2005).

The legislature recently passed a bill which removes HAVA's vague language regarding provisional voters in the wrong precinct from its code. 2005 Ark. Acts 238. Arkansas makes it clear that a voter must be in the correct precinct in order for his vote to count. *Id.* There are also two bills pending this session which would require proof of citizenship at registration. SB 1111, 85th Gen. Assem. 2005 Reg. Sess. (Ark. 2005); SB 206, 85th Gen. Assem. 2005 Reg. Sess. (Ark. 2005).

- **Statutes:** Ark. Code Ann. § 7-5-305 (2005).
 - **Passed:**
 - § 7-5-305 – 1999; 2003 added provision for provisional vote for first time voters without identification
- **Session law/recent legislation passed:**
 - 2005 Ark. Acts 238: provides that voters in the incorrect precinct should be directed to the correct precinct; voters only permitted to vote a provisional ballot if they sign an affidavit that they are eligible in that precinct (changed “jurisdiction” to “precinct” – removed vague terms used in HAVA). [SB 256 – approved 2/17/05]
- **Pending legislation:**
 - SB 1111, 85th Gen. Assem. 2005 Reg. Sess. (Ark. 2005): requires evidence of citizenship for registration, which includes a driver's license if proof of citizenship was required, birth certificate, passport, naturalization

documents, tribal identification card, and other proof of citizenship under Immigration Act. [3/7/05 introduced and referred to committee]

- SB 206, 85th Gen. Assem., 2005 Reg. Sess. (Ark. 2005): requires evidence of citizenship for registration, which includes a driver's license if proof of citizenship was required, birth certificate, passport, naturalization documents, tribal identification card, and other proof of citizenship under Immigration Act. [1/26/05 introduced; 4/13/05 referred to a second committee]

- **Case law (from annotations):**

- none

- **Administrative regulations:** none

- **What the law requires:**

- **Is ID required?**

- **For registration:**

- Provide driver's license number or last four digits of social security number or state that he does not have either one. Secretary of State, Charlie Daniels, Voting 101: A Pocket Guide to Voting in the Natural State, 3, http://www.sosweb.state.ar.us/elections/elections_pdfs/education/voting101layout-all.pdf.
 - If a first time voter who registers by mail wishes to avoid the possibility of voting a provisional ballot, he should provide a copy of identification with his registration. Secretary of State, Charlie Daniels, Voting 101: A Pocket Guide to Voting in the Natural State, 3, http://www.sosweb.state.ar.us/elections/elections_pdfs/education/voting101layout-all.pdf. Then, if he has no identification at the polls, he may vote a regular ballot. *Id.*

- **At polls:**

- All voters must identify themselves and state their address or date of birth. Ark. Code Ann. § 7-5-305 (2005).
 - All voters must provide identification at the polls. Ark. Code Ann. § 7-5-305 (a)(8)(A) (2005).

- **Early voting at polls:**

- Same as election day at polls procedure. Secretary of State, Charlie Daniels, Voting 101: A Pocket Guide to Voting in the Natural State, 15, http://www.sosweb.state.ar.us/elections/elections_pdfs/education/voting101layout-all.pdf.

- **Absentee voters:**

- If they registered by mail and are voting for the first time, they must provide a copy of identification with their ballot. Ark. Code Ann. § 7-5-201 (2005).

- **First time voters or all?**

- All, although the consequences of not having identification differ between first time voters who registered by mail and other voters. Ark. Code Ann. § 7-5-305 (a)(8)(B) (2005).

- **When?**
 - At the polls. Ark. Code Ann. § 7-5-305 (2005).
- **What types of ID?**
 - Current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. Ark. Code Ann. § 7-5-305 (a)(8)(A) (2005).
- **State or federal elections?**
 - All elections. Ark. Code Ann. § 7-5-305 (2005).
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - **First time voters who registered by mail without providing identification:** must vote a provisional ballot. Ark. Code Ann. § 7-5-305 (a)(8)(B)(i) (2005).
 - **All other voters:** vote a regular ballot and election official notes on the precinct list that the voter did not provide identification. Ark. Code Ann. § 7-5-305 (a)(8)(B)(ii) (2005).
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - None except that the prosecutor reviews the list of voters who voted without identification and may prosecute election fraud. Ark. Code Ann. § 7-5-305 (a)(8)(B)(iv) (2005).
 - For first time voters voting by provisional ballot – affidavit. Ark. Code Ann. § 7-5-306 (2005).
- **Challenge available at polls?**
 - Yes but only by appointed poll watchers. Ark. Code Ann. § 7-5-312 (a)(1) (2005)

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: June 7, 2005
RE: 10 states for ID requirements chart: California

California

Summary:

California law does not require identification at registration or at the polls. The only identification procedures in place under state law are signature verification and requiring the voter recite his name and address prior to voting. Cal. Elec. Code § 14216 (2005). California does have a place on the registration form for driver's license or state identification number, and this information is checked against motor vehicle records. However, California does not require that voters provide this information as a prerequisite to registration. Cal. Elec. Code § 2150 (2005). The only identification procedures in place are those under HAVA, and the HAVA identification requirement for first-time registrants only applies in Federal elections. Cal. Code Regs. tit. 2, § 20107 (2005). California allows all types of identification under HAVA and liberally construes the identification requirement. *Id.*

There is a bill pending in the Senate, which would require all voters to show either one form of identification with name, address, and photograph or two forms of identification with name and address. S.B. 226, 2005-06 1st Extraordinary Sess. (Cal. 2005).

- **Statutes:** Cal. Elec. Code § 2188 (2005). & Cal. Elec. Code § 2150 (2005).
 - **Passed:**
 - §2188 – 1994 – effective 1/1/95
 - §2150 – 1995 – effective 1/1/96
- **Session law/recent legislation passed:** none
- **Pending legislation:**
 - SB 226 – would require all voters to show identification at polls (1 form w/ name, address & photograph or 2 forms w/ name & address) [2/15/05 – Introduced; 2/15/05 - To Elections, Reapportionment, and Constitutional Amendment Committee; 3/17/05 - Set hearing for April 6; 4/6/05 - Hearing, didn't pass Committee; 4/27/05 - Reconsideration granted]
 - S.B. 226, 2005-06 Sess. (Cal. 2005).
 - SB 1016 [passed Senate] – S.B. 1016, 2005-06 Sess. (Cal. 2005).
 - §2150 – does not add any voter identification provisions but would make minor changes to make clear that failure to provide social security number or driver's license number will not result in a failure to register
 - §2188 – amends an irrelevant portion of the section
- **Case law (from annotations):**
 - *People v. Gordon*, 5 Cal. 235 (1855): cannot require a challenged voter to produce proof of citizenship
 - *Richardson v. Ramirez*, 418 U.S. 24 (1974): felon disenfranchisement does not violate equal protection clause of Fourteenth Amendment

- *Russell v. McDowell*, 23 P. 183 (Cal. 1890): concerning establishing prima facie case for fraudulent voting
 - **Administrative regulations:** Cal. Code Regs. tit. 2, § 20107 (2005).
 - **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - No, statute states that voters should put driver's license number or other identification on registration form but specifically states that it is not required for registration. Cal. Elec. Code § 2188 (2005); Cal. Elec. Code § 2150 (2005).
 - **At polls:**
 - Not beyond HAVA, announce name and address only. Cal. Elec. Code § 14216 (2005).
 - **First time voters or all?**
 - Nothing beyond HAVA, so just first time voters in Federal elections.
 - **When?**
 - HAVA – either at registration or when voter votes for first time
 - **What types of ID?**
 - (1) a current and valid photo identification: (A) a driver's license or identification card of any state; (B) a passport; (C) an employee identification card; (D) an identification card provided by a commercial establishment; (E) a credit or debit card; (F) a military identification card; (G) a student identification card; (H) a health club identification card; (I) an insurance plan identification card;
- OR
- (2) any of the following documents, provided that the document includes the name and address of the individual presenting it, and is dated since the date of the last general election, unless the document is intended to be of a permanent nature such as a pardon or discharge, including: (A) a utility bill; (B) a bank statement; (C) a government check; (D) a government paycheck; (E) a document issued by a governmental agency; (F) a sample ballot issued by a governmental agency; (G) a voter notification card issued by a governmental agency; (H) a public housing identification card issued by a governmental agency; (I) a lease or rental statement or agreement issued by a governmental agency; (J) a student identification card issued by a governmental agency; (K) a tuition statement or bill issued by a governmental agency; (L) an insurance plan card issued by a governmental agency; (M) discharge certificates, pardons, or other official documents issued to the voter by a governmental agency in connection with the resolution of a criminal case, indictment, sentence, or other matter; (N) public transportation authority senior citizen discount cards issued by a governmental agency; (O) identification documents issued by governmental disability agencies; (P) identification documents issued by government homeless shelters and other

government temporary or transitional facilities; (Q) a drug prescription issued by a government doctor or other governmental health care provider; (R) property tax statement issued by a governmental agency; (S) vehicle registration or certificate of ownership issued by a governmental agency. Cal. Code Regs. tit. 2, § 20107 (2005).

- **State or federal elections?**
 - Cal. Code Regs. tit. 2, § 20107 (2005) states that the identification requirement applies only to voters required to provide identification under HAVA, thus, only Federal elections.
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Provisional ballot. Cal. Code Regs. tit. 2, § 20107 (2005).
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - None, just vote provisionally subject to the normal restrictions and rules on provisional ballots. Cal. Code Regs. tit. 2, § 20107 (2005).
- **Challenge available at polls?**
 - Yes, challenge may be on several grounds: (1) the voter is not the person whose name appears on the index; (2) the voter is not a resident of the precinct; (3) the voter is not a citizen of the United States; (4) the voter has voted that day; (5) the voter is presently on parole for the conviction of a felony. Cal. Elec. Code § 14240 (2005).

MEMORANDUM

TO: Sara Sampson
FROM: Donnie Scheetz
DATE: August 11, 2005
RE: States for ID requirements chart: Colorado

Colorado

Summary:

Everyone must present some form of ID at the polls. A Social Security Number will not suffice. If one is registering to vote by mail or voting absentee, a form of ID must be included. To register at least the last four digits of the Social Security number will work. If no ID can be presented then the elector will vote absentee. The ID requirement is the same whether voting early or not.

- **Statutes:** C.R.S. 1-2-501(2)(B); C.R.S. 1-1-104(19.5); C.R.S. 1-2-204(2)(f.5); C.R.S. 1-7-201
 - **Passed:**
 - Articles 1 to 12 of this title were originally enacted as articles 1, 3, 4, 9 to 19, and 24 of chapter 49 in C.R.S. 1963. The substantive provisions of these articles were recodified in 1992, effective January 1, 1993. There were subsequent amendments in 2004.
- **Session law/recent legislation passed:** none
- **Pending legislation:**
 - None
- **Case law (from annotations):**
- Provisions not mandatory. To treat all of the provisions of this statute as mandatory so as to deprive those who attempt to register would provide an unequal application of the statute and an inconsistency not warranted by any express language in the enactment. Meyer v. Putnam, 186 Colo. 132, 526 P.2d 139 (1974).

Obtaining social security numbers from vast majority of voters is only directory. Meyer v. Putnam, 186 Colo. 132, 526 P.2d 139 (1974).

Administrative regulations: none

- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - If you are a first time voter who registers to vote by mail, you must submit a copy of one of the following forms of ID: valid driver's license, ID issued by the Department of Revenue, passport, employee identification with a photo issued by a governmental entity, pilot's license, military ID, copy of current utility bill, bank statement, government check or other government document that shows the name and address of the elector, Medicare or Medicaid card, copy of birth certificate,

documentation of naturalization. Instead of any of those the elector may provide one of the following numbers: Driver's License number, Colorado Dept. of Revenue Identification number, or at least the last four digits of Social Security number.

http://www.sos.state.co.us/pubs/elections/id_requirements.pdf

- If you are a first time Voter who registers to vote in person, you must provide the number from one of the following forms of identification: Driver's License number, Colorado Department of Revenue Identification number, or at least the last four digits of the voter's Social Security number.

http://www.sos.state.co.us/pubs/elections/id_requirements.pdf

- If voting absentee, an elector must include a copy of one of the forms of ID listed above. If it is not included then the ballot is treated as a provisional ballot. *C.R.S. 1-8-113*

▪ **At polls:**

- If you vote in person (including early voting, polling place voting), you must provide a copy of any of the above forms identification. However, a Social Security Number (or last four digits) is NOT enough to vote in person.

http://www.sos.state.co.us/pubs/elections/id_requirements.pdf

- **First time voters or all?**
 - ID must be provided by all voters who vote in person.
- **When?**
 - At the polls
- **What types of ID?**
 - Listed above
- **State or federal elections?**
 - All types of elections
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
- provisional ballot

[C.R.S. 1-7-103](#)

Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)

- **Challenge available at polls?**
 - Yes

MEMORANDUM

TO: Sara Sampson
FROM: Donnie Scheetz
DATE: August 11, 2005
RE: States for ID requirements chart: Connecticut

Connecticut

Summary:

All people who are registering for the first time, may submit a copy of ID at that time. If they do not, they must present ID at the poll. However, everyone must present ID at the polls anyway. The same requirements apply for voting absentee.

- **Statutes:** *Conn. Gen. Stat. § 9-232*, Conn. Gen. Stat. § 9-12 (2004)
 - **Passed:** passed in 1993, and amended in 2004
- **Session law/recent legislation passed:** none
- **Pending legislation:**
 - none
- **Case law (from annotations):**
 - none
- **Administrative regulations:** none
- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - If you are registering by mail you may include a copy of ID. The same applies if you are registering in person for the first time.
<http://www.sots.state.ct.us/ElectionsDivision/elecfrms/ed671.pdf>
 - The same requirements apply if the elector is voting absentee.
<http://www.sots.state.ct.us/ElectionsDivision/HAVA/IDRequirements.pdf>
 - **At polls:**
 - All voters must provide ID at the polls.
<http://www.sots.state.ct.us/ElectionsDivision/HAVA/HowToRegisterVotersEng.pdf>
 - **First time voters or all?**
 - All voters
 - **When?**
 - At the polls
 - **What types of ID?**
 - Driver's license, social security card, a rent receipt, a utility bil, or a form of ID with (a) elector's name and address, or (b) their name and signature, or (c) their name and photo. Any of the following will work: a copy of current valid photo ID, or a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows your name and address.
<http://www.sots.state.ct.us/ElectionsDivision/elecfrms/ed671.pdf>

- **State or federal elections?**
 - All elections
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Provisional ballot. *Id.*
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Affidavit. *Id.*
- **Challenge available at polls?**
 - Yes. *Conn. Gen. Stat. § 9-232*

MEMORANDUM

TO: Sara Sampson
FROM: Donnie Scheetz
DATE: August 11, 2005
RE: States for ID requirements chart: Delaware

Delaware

Summary:

ID must be presented when registering. If it is not then it must be presented at the polls. If ID presented at registration or not a first time voter, then only a signature comparison is done. To vote absentee one does not have to submit ID if properly registered; only an affidavit is required.

- **Statutes:** [15 Del. C. § 2011](#), 15 Del. C. § 2033
 - **Passed:**
 - 2003
- **Session law/recent legislation passed:** none
- **Pending legislation:**
 - none
- **Case law (from annotations):**
 - None
- **Administrative regulations:** none
- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - The elector must provide proof of identity to register. [15 Del. C. § 2011](#). Elector must submit with that person's application a copy of a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. [15 Del. C. § 2033](#)
 - Should the person not include a copy of the required identification with the voter registration application, the voter shall provide a valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter prior to voting for the first time at a polling place in the State. [15 Del. C. § 2033](#)
 - **At polls:**
 - No ID is required at the polls, unless none was submitted during registration http://www.state.de.us/sos/gic/lwv/body/dgbody-08.shtml#P1251_139266
 - **First time voters or all?**

- Only first time voters must submit ID, and then only if none was submitted at registration. [15 Del. C. § 2033](#)
- **When?**
 - Must be submitted during registration, or if not then at the polls.
- **What types of ID?**
 - Listed above
- **State or federal elections?**
 - All
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Provisional ballot
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Affidavit. http://www.state.de.us/sos/gic/lwv/body/dgbody-08.shtml#P1251_139266
- **Challenge available at polls?**
 - Yes. http://www.state.de.us/sos/gic/lwv/body/dgbody-08.shtml#P1251_139266

MEMORANDUM

TO: Sara Sampson
FROM: Donnie Scheetz
DATE: August 11, 2005
RE: States for ID requirements chart: Florida

Florida

Summary:

- **Statutes:** Section 97.053, 97.0535 of the Florida Statutes
 - **Passed:**
 - 2003
- **Session law/recent legislation passed:** none
- **Pending legislation:**
 - none
- **Case law (from annotations):**
 - none
- **Administrative regulations:** none
- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - Yes. You must have a driver's license number, or Florida ID card number. If the elector has none of these, they must provide the last four digits of their social security number.
<http://election.dos.state.fl.us/publications/pdf/2004VoterGuide.pdf>
 - If registering by mail and are a first time voter, then must submit ID when the form is mailed. Id.
 - Absentee voters must provide proper ID prior to 7 p.m. election day. They can provide a copy of a current and valid utility bill, bank statement, government paycheck, or other government document containing their name and address of current residence. Id.
 - **At polls:**
 - Yes.
<http://election.dos.state.fl.us/publications/pdf/2004VoterGuide.pdf>
 - **First time voters or all?**
 - All <http://election.dos.state.fl.us/publications/pdf/2004VoterGuide.pdf>
 - **When?**
 - Before voting
<http://election.dos.state.fl.us/publications/pdf/2004VoterGuide.pdf>
 - **What types of ID?**
 - Florida Driver's license, ID card issued by the Dept. of Highway Safety and Motor Vehicles, Passport, Employee badge or identification, Buyer's club ID, Debit/credit card, Military ID, Student ID, Retirement Center ID, Neighborhood association ID, Entertainment ID, Public assistance ID.
<http://election.dos.state.fl.us/publications/pdf/2004VoterGuide.pdf>

- **State or federal elections?**
 - All
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Provisional if you are a first time voter who registered by mail and have not previously provided the required ID.
<http://election.dos.state.fl.us/publications/pdf/2004VoterGuide.pdf>
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Affidavit <http://election.dos.state.fl.us/publications/pdf/2004VoterGuide.pdf>
- **Challenge available at polls?**

Yes.

MEMORANDUM

TO: Sara Sampson
FROM: Doug Koppel
DATE: August 11, 2005
RE: States for ID requirements chart: Georgia

Georgia

Summary:

In any election or primary, Georgia voters must produce valid identification at the polling place before being allowed to vote. A voter whose name is on the list but cannot provide proper identification at the polling place is allowed to cast a provisional ballot upon swearing or affirming to his identity. Georgia Administrative Code 183-1-12-.06(5)(a). The voter then has to present the proper ID by the end of the statutory period for verification of all provisional ballots, or the ballot will not be counted. Georgia Administrative Code 183-1-12-.06(5)(c). This period ends upon the closing of business on the second business day after the election. Georgia Administrative Code 183-1-12-.06(11)(d). This information is also found in Ga. Code Ann. §21-2-417. Appropriate forms of identification are listed in Ga. Code Ann. §21-2-417(a). When registering to vote for the first time, whether by mail or in person, the voter must supply proper identification as listed in Ga. Code Ann. §21-2-417(c). If a voter attempted to register by mail but failed to include the proper ID, he can present this identification at the polling place along with the required photo ID and vote as normal. Ga. Code Ann. §21-2-221.

Statutes:

Ga. Code Ann., §21-2-417 – proper identification presentation to poll workers. Proper ID includes driver's license, state ID card with photo, US passport, employee ID with photo, military ID with photo, or tribal identification card with photo.

Ga. Code Ann. §21-2-221 – identification required for registration, by mail or in person.

Administrative Regulations:

Ga Administrative Code 183-1-12 -.06 – provisional ballots; process and rules for distributing provisional ballot when proper ID is not presented.

Pending legislation:

2005 GA HB 597 (SN) – no substantive changes

2005 GA SB 84 (SN) – no substantive changes

Case law:

None.

MEMORANDUM

TO: Sara Sampson
FROM: Doug Koppel
DATE: August 11, 2005
RE: States for ID requirements chart: Hawaii

Hawaii

Summary:

When an elector registers, Hawaii administrative law calls for a signed affidavit along with submission of the elector's social security number (not card), birth date, and address of residence. Hawaii Admin. Rules §2-51-20(a). The chief election officer may add additional requirements to the registration form. Hawaii Admin. Rules §2-51-20(b). This completed form serves as prima facie evidence of the voter's identity. However, if the identity is challenged, the clerk can request substantiating evidence. Hawaii Admin. Rules §2-51-24 (a), (b). It is not specified what evidence will be determined sufficient or what can or cannot be used as valid evidence.

At the polling place, Hawaii statutory law requires only that identification be produced if requested by a precinct official. HRS §11-136. What is to be accepted as proper identification, or when it should be requested of an elector, is not stated. Assumedly, failure to produce the ID would result in the elector being treated as a challenged voter and voting via challenged ballot pursuant to Hawaii Admin. Rules §2-51-45. Regulations from the Office of the Lieutenant Governor require identification to be produced to the official in charge of the poll book but does not state which forms of identification are to be sufficient. Hawaii Admin. Rules §2-51-80(b). The voter must also sign the poll book. Hawaii Admin. Rules §2-51-80(d).

Statutes:

HRS §11-136 – poll book, identification, voting

Administrative Regulations:

Hawaii Admin. Rules §2-51-20 – voter registration form requirements

Hawaii Admin. Rules §2-51-24 – rules for clerk's approval of registration

Hawaii Admin. Rules §2-51-80 – voting procedure at the polls

Pending legislation: None.

Case law: None.

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: June 7, 2005
RE: 10 states for ID requirements chart: Idaho

Idaho

Summary:

Idaho law requires voters to supply their driver's license number or social security number at registration. Idaho Code § 34-411 (2004). It also requires identification for all first-time voters who registered by mail, as required under HAVA for voting in Federal elections. Idaho Code § 34-410 (2004). Voters may present a current photo identification, utility bill, bank statement, government check, paycheck, or any other government document with the name and address of the voter. Idaho Code § 34-410 (2004). Idaho also permits election day registration for all elections, and identification in the form of (1) a driver's license or state ID, (2) any document with the voter's address together with a picture ID, or (3) a student ID and tuition bill with address is required in order to same-day register. Idaho Code § 34-408A (2004).

Because Idaho provides for election day registration, it was exempted from the NVRA. Even so, Idaho accepts mail-in registrations anyway. However, because of the availability of election day registration, it is not required to provide a provisional voting scheme. Ben Ysursa, Secretary of State, State of Idaho: State Plan, 11 (2004), http://www.idsos.state.id.us/ELECT/Idaho_State_Plan.pdf. Idaho believes election day registration is an adequate substitute. *Id.* Thus, if voters do not have proper identification at the poll, they cannot vote. *Id.*

There is no pending legislation in Idaho.

- **Statute:**
 - Idaho Code §34-410 (2004) & Idaho Code §34-408A (2004) & Idaho Code §34-411 (2004).
 - **Passed:**
 - §34-408A – 1994
 - §34-410 – 2003
 - §34-411 – 2003
- **Session law:** none
- **Pending legislation:** none
- **Case law (from annotations):**
 - none
- **Administrative regulations:** none
- **What the law requires:**
 - **Is ID required?** Yes, but not beyond HAVA requirements. Idaho Code § 34-410 (2004).
 - **First time voters or all?**
 - First time voters registering by mail or election day registrants at polls. Idaho Code § 34-410 (2004); Idaho Code § 34-408A (2004).
 - **When?**
 - **At registration:** must supply driver's license number or the last four digits of the voter's social security number. Idaho Code § 34-411 (2004).

- **Mail-in registration (HAVA):**
 - Codified requirements of HAVA for federal elections when elector mails registration, thus, voter can provide identification with registration or at the polls. Idaho Code § 34-410 (2004).
- **Election day registration at polls:**
 - Requires proof of residence, which can be done in 3 ways: (1) driver's license or Idaho identification card issued through the department of transportation; (2) any document which contains a valid address in the precinct together with a picture identification card; or (3) a current valid student identification card from a postsecondary educational institution in Idaho accompanied by a current student fee statement that contains the student's valid address. Idaho Code § 34-408A (2004).
- **What types of ID?**
 - For 1st time voters who registered by mail: (1) A current and valid photo identification; or (2) A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. Idaho Code § 34-410 (2004)(essentially HAVA requirements).
 - For election day registrants: (1) driver's license or Idaho identification card issued through the department of transportation; (2) any document which contains a valid address in the precinct together with a picture identification card; or (3) a current valid student identification card from a postsecondary educational institution in Idaho accompanied with a current student fee statement that contains the student's valid address. Idaho Code § 34-408A (2004).
- **State or federal elections?**
 - Mail-in HAVA requirements: seems to be just Federal elections (Code seems to limit the ID requirements for mail-in first-time registrants to the scope of HAVA by stating “as required by HAVA”). Idaho Code § 34-410 (2004).
 - All other requirements: all elections (Code makes no distinction between state or local and federal elections for all other ID requirements, especially the election day registration requirements)
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - No provisional voting system because of exemption from NVRA because of same-day registration; so, no ID, no vote. Ben Ysursa, Secretary of State, State of Idaho: State Plan, 11 (2004), http://www.idsos.state.id.us/ELECT/Idaho_State_Plan.pdf.
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - No provisional voting system because of election-day registration; so, no ID, no vote. Ben Ysursa, Secretary of State, State of Idaho: State Plan, 11 (2004), http://www.idsos.state.id.us/ELECT/Idaho_State_Plan.pdf.
- **Challenge available at polls?**
 - Yes, Idaho Code § 34-431 (2004).

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: June 7, 2005
RE: 10 states for ID requirements chart: Illinois

Illinois

Summary:

Illinois law technically requires in person registration, but, as a result of a Court decision in 1996, Illinois permits mail-in registration under the NVRA for both State and Federal elections. Ill. Admin. Code tit. 26, § 216.30 (2005). In person registrants must show two forms of identification, and one of them must contain an address. 10 Ill. Comp. Stat. 5/4-10 (2005); 10 Ill. Comp. Stat. 5/5-9 (2005); 10 Ill. Comp. Stat. 5/6-37 (2005). The forms of identification accepted are: driver's license, social security card, public aid identification card, utility bill, employee or student identification card, credit card, or a civil, union or professional association membership card. *Id.* At the polls, voters who registered in person are only required to state their name and address prior to voting; however, voters who registered by mail must meet the HAVA requirements for identification. 10 Ill. Comp. Stat. 5/17-9 (2005); 10 Ill. Comp. Stat. 5/1A-16 (2005). Illinois law does not require any identification beyond HAVA for voters registering by mail.

There is a bill pending in the Senate which would require all voters to present proof of citizenship with their registration form and to present one form of identification with name, address, and photograph or two different forms of identification with name and address at the polls prior to receiving a ballot. SB 2081, 94th Gen. Assem., Reg. Sess. (Ill. 2005). Proof of citizenship documents include: birth certificate, naturalization certificate, driver's license if proof of citizenship was required, tribal identification, and passport. *Id.*

- **Statutes:**

- Provisions concerning in-person registration still in the code:
 - 10 Ill. Comp. Stat. 5/4-10 (2005)(for counties with a population of less than 500,000).
 - 10 Ill. Comp. Stat. 5/5-9 (2005)(for counties with a population of at least 500,000).
 - 10 Ill. Comp. Stat. 5/6-37 (2005)(for certain cities, villages and incorporated towns).
- Provision stating that mail-in registration in compliance with HAVA and NVRA is acceptable and ID provisions conform w/ HAVA (either provide ID w/ registration or at polls): 10 Ill. Comp. Stat. 5/1A-16 (2005).
- Identification at polls for in person registrants: 10 Ill. Comp. Stat. 5/17-9 (2005)
- **Passed:**
 - 5/4-10 & 5/5-9 & 5/6-37 – pre-1989
 - 5/1A-16 – 2003
 - 5/17-9 – at least since 1980s

- **Session law:** none

- **Pending legislation:**

- SB 2081 – would require all voters at the polls to present one form of identification with name, address, and photograph or two different forms of identification with name and address; would also require all voters to submit proof of citizenship with their registration form (proof of citizenship: birth certificate, naturalization certificate, driver's license if proof of citizenship was required, tribal identification, and passport) [2/25/05- Introduced, referred to Rules Committee]. SB 2081, 94th Gen. Assem., Reg. Sess. (Ill. 2005).
- HB 1968 – expands the institutions which must provide voter registration forms [passed both houses 5/28/05]. HB 1968, 94th Gen. Assem., Reg. Sess. (Ill. 2005).
- HB 715 – adds higher education institutions to those which must provide voter registration forms [passed both houses 5/17/05]. HB 715, 94th Gen. Assem., Reg. Sess. (Ill. 2005).
- **Case law (from annotations):**
 - *Orr, et al. v. Edgar, et al.*, 670 N.E.2d 1243 (Ill. App. Ct. 1 Dist. 1996): ruling that the two-tiered system of registration for State and Federal elections violated the voter registration notice provisions in the Illinois Vehicle Code and required the applicant be given notice of their right to vote in state and local elections (after which the State honored mail-in registration as registration for both Federal and State elections).
 - *Jordan v. Officer*, 525 N.E. 2d 1067 (Ill. App. Ct. 5 Dist. 1988): unsuccessful candidates do not waive the right to challenge the eligibility of voters if they failed to use the procedures for poll site challenges (10 ILCS 5/17-9 (2005)).
- **Administrative regulations:**
 - Ill. Admin. Code tit. 26, § 216.30 (2005): implemented NVRA, applications complying with NVRA register voter for Federal and State elections.
- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - Still law in effect requiring in-person registration. Law states that a registrant must have two forms of identification, and one of them must contain the voter's address, many forms being acceptable. Homeless persons must produce proof of use of a certain address, but the address does not have to be on the identifications. 10 Ill. Comp. Stat. 5/4-10 (2005); 10 Ill. Comp. Stat. 5/5-9 (2005); 10 Ill. Comp. Stat. 5/6-37 (2005).
 - Another statute complies with NVRA and HAVA and allows mail-in registration and requires ID be provided at polls or with registration (essentially HAVA codified). 10 Ill. Comp. Stat. 5/1A-16 (2005).
 - Mail-in registration registers voter for both State and Federal elections as of October 1996. Ill. Admin. Code tit. 26, § 216.30 (2005).
 - **At polls:** Only required to state name and address, can ask questions from information provided at registration. 10 Ill. Comp. Stat. 5/17-9 (2005).
 - HAVA applies if no identification provided with registration. 10 Ill. Comp. Stat. 5/1A-16 (2005).
 - **First time voters or all?**

- First time registrants only for the HAVA requirements for mail-in registrants. 10 Ill. Comp. Stat. 5/1A-16 (2005).
- **When?**
 - At registration (with mailing or in person) or if not (and mail-in registration), at polls before voter votes for first time. 10 Ill. Comp. Stat. 5/1A-16 (2005).
- **What types of ID?**
 - For in person registrants: driver's license, social security card, public aid identification card, utility bill, employee or student identification card, credit card, or a civil, union or professional association membership card. 10 Ill. Comp. Stat. 5/4-10 (2005); 10 Ill. Comp. Stat. 5/5-9 (2005); 10 Ill. Comp. Stat. 5/6-37 (2005).
 - For mail-in registrants: Either (i) a copy of a current and valid photo identification, or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. 10 Ill. Comp. Stat. 5/1A-16 (2005).
- **State or federal elections?**
 - Seems to apply to all elections since it is in the state code w/ no distinction between federal and state. 10 Ill. Comp. Stat. 5/1A-16 (2005).
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - HAVA – provisional ballot.
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - No law – assume HAVA applies then.
- **Challenge available at polls?**
 - Yes. If challenged, must provide two forms of ID and execute an affidavit, otherwise provisional ballot. 10 Ill. Comp. Stat. 5/18A-5 (2005).
 - Poll watchers permitted. 10 Ill. Comp. Stat. 5/17-23 (2005).

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: June 7, 2005
RE: 10 states for ID requirements chart: Iowa

Iowa

Summary:

Iowa has essentially codified the requirements of HAVA and requires voters who registered by mail to provide identification either with their registration or prior to voting in the voter's first election, whether State or Federal. Iowa Code § 48A.8 (2005). The forms of identification accepted are the same forms of identification permitted under HAVA. *Id.* If no identification was provided with the mailed registration form and the voter has no identification at the polls, the voter may vote provisionally. *Id.* In order for the vote to count, the voter must later bring or send a copy of identification proving his/her identity, as well as sign an affidavit at the polls affirming his/her identity. *Id.*

In order to register in Iowa, all voters must provide their driver's license numbers, state identification card numbers, or social security numbers unless they notify the State that they do not have a state identification card or social security number. Iowa Code § 48A.11 (2005). When a voter lacks one of these identifying numbers, the State assigns one to the voter. The information provided on the registration form is checked against other State databases. At the polls, precinct officials are permitted, but not required, to ask for some identification with a signature to verify the identity of the voter. Iowa Code § 49.77 (2005).

Iowa law permits voter challenges at the polls. Iowa Code § 49.79 (2005). Currently, there are no pending bills concerning voter identification.

- **Statute:**

- Iowa Code § 48A.8 (2005)
- Iowa Code § 48A.11 (2005)
- Iowa Code § 49.77 (2005)
- **Passed:**
 - § 48A.8 – 2004
 - § 48A.11 – 2004
 - § 49.77 – 1983

- **Session law:** HF 227, 81st Gen. Assem., 1st Reg. Sess. (Iowa 2005)(enacted)(specifying that driver's license numbers provided on registration form must be Iowa driver's licenses).

- Signed by governor 4/6/05

- **Pending legislation:**

- SF 152, 81st Gen. Assem., 1st Reg. Sess. (Iowa 2005)(allowing for late registration, up until voting, but requiring proof of residency for late registrants) [in Senate committee 2/16/05]
- HF 793, 81st Gen. Assem., 1st Reg. Sess. (Iowa 2005)(makes signature on application required for registration) [passed House 3/31/05, in Senate committee 4/5/05]

- SF 364, 81st Gen. Assem., 1st Reg. Sess. (Iowa 2005)(makes signature on application required for registration) [In Senate committee 4/14/05]
- **Case law (from annotations):** none
- **Administrative regulations:** Title 821 in the Iowa Administrative Code pertains to election registration but no provision is more specific as to voter identification.
- **What the law requires:**
 - **Is ID required?**
 - **Mail in registrants:** identification required at either registration or at polls, essentially codifies HAVA, requires identification for a mail-in registrant voting for the first time. Iowa Code § 48A.8 (2005).
 - **For registration:** must provide driver's license number, state identification card number or the last four digits of the social security number on the registration form or the application will be rejected or indicate that the voter has none of those and a unique number will be assigned. Iowa Code § 48A.11 (2005).
 - **At polls:** precinct officials *may* require some identification for signature verification if they do not personally know the voter. Iowa Code § 49.77 (2005).
 - **First time voters or all?**
 - First time voters only: HAVA requirements codified - first time voters who have never voted in a Federal election. Iowa Code § 48A.8 (2005).
 - **When?**
 - Mail in registrants – either at registration or at polls. Iowa Code § 48A.8 (2005).
 - **What types of ID?**
 - Mail in registrants:
 - Current and valid photo identification
 - Utility bill
 - Bank statement
 - Paycheck
 - Government check
 - Other government document
 - Iowa Code § 48A.8 (2005).
 - **State or federal elections?**
 - Seems to apply to all elections, as the wording of Iowa Code § 48A.8 (2005) states that “an eligible elector who registers by mail and who has not previously voted in an election for federal office in the county ... shall be required to provide identification documents when voting for the first time in the county” (does not mention federal election, rather says “when voting for the first time in the county”).
 - **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Provisional ballot. Iowa Code § 48A.8 (2005).
 - **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Vote provisionally subject to normal provisional ballot rules. Iowa Code § 48A.8 (2005). Normal provisional ballot rules require that the voter bring or

send identification later and sign an affidavit prior to voting. Iowa Code § 49.81 (2005).

- **Challenge available at polls?**

- Yes, by any registered voter or precinct official. Iowa Code § 49.79 (2005).

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: June 7, 2005
RE: 10 states for ID requirements chart: Kansas

Kansas

Summary:

Under Kansas law, all voters in all types of elections are required to state their name and address, if asked, prior to voting. Kan. Stat. Ann. § 25-2908(b) (2004). As a result of HAVA, Kansas enacted a statute requiring first time voters in *all* elections to provide identification either with their registration or when they vote for the first time. Kan. Stat. Ann. § 25-2908(c)(4) & (h) (2004). These voters may provide a Kansas driver's license, state identification card, utility bill, bank statement, paycheck, government check, or other government document. Kan. Stat. Ann. § 25-2908(d) (2004). If they do not provide the identification, the voters may vote a provisional ballot. Kan. Stat. Ann. § 25-2908(e) (2004). In order for the provisional ballot to be counted, the voter must provide one of the identification documents to county election officers before the canvass begins. *Id.*

There is no pending legislation in Kansas. Interestingly, Kansas election law allows for limited elections by mail, and that provision of the Kansas Code has been challenged and ruled constitutional based on the fact that the compelling interest in voter participation outweighed the interest in preventing voter fraud. Mail Ballot Election Act, Kan. Stat. Ann. § 25-432 (2004); *Sawyer v. Chapman*, 729 P.2d 1220 (Kan. 1986).

- **Statute:**
 - Kan. Stat. Ann. § 25-2908 (2004).
 - **Passed:** In 1861 but section significantly rewritten in 2004 and HAVA compliant section added which applied HAVA requirements to both State and Federal elections.
- **Session law:** none
- **Pending legislation:** none
- **Case law (from annotations):**
 - *Sawyer v. Chapman*, 729 P.2d 1220 (Kan. 1986): declared the Act constitutional; compelling state interest in increased voter participation outweighs fraud potential and loss of secrecy.
 - Could be important – essentially ruled that voter participation is more important than voter fraud potential.
- **Administrative regulations:** no ID provisions. *See generally* Kan. Admin. Regs. Agency 7.
- **What the law requires:**
 - **Is ID required?**
 - **For registration or at polls/HAVA:** must provide identification (HAVA codified). Kan. Stat. Ann. § 25-2908(c)(4) (2004).
 - **At polls:** required to announce name and address. Kan. Stat. Ann. § 25-2908(b) (2004).

- **First time voters or all?**
 - First time voters only must provide identification at polls or at registration. Kan. Stat. Ann. § 25-2908(c)(4) (2004).
 - All voters must provide their name and address each time they vote. Kan. Stat. Ann. § 25-2908(b) (2004).
- **When?**
 - HAVA compliance: either at registration or at polls. Kan. Stat. Ann. § 25-2908 (2004).
- **What types of ID?**
 - Kansas driver's license
 - Nondriver's identification card
 - Utility bill
 - Bank statement
 - Paycheck
 - Government check
 - Other government document
 - Kan. Stat. Ann. § 25-2908(d) (2004).
 - Specifically:
 - The identification presented must have the voter's name and 1 of these 2 things: current address or photo
 - Office of Secretary of State Ron Thornburgh & the Kansas County Clerks and Election Officials Association, Kansas Election Standards, I-4 (2004), at [http://www.kssos.org/elections/elections reform standards.html](http://www.kssos.org/elections/elections%20reformstandards.html).
- **State or federal elections?**
 - All elections, no distinction made in § 25-2908(h), says "any election". Kan. Stat. Ann. § 25-2908(h) (2004).
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Provisional ballot. Kan. Stat. Ann. § 25-2908(e) (2004).
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Vote a provisional ballot and must provide identification types described above either in person, electronically, or by mail to county election officers before canvass in order for vote to be counted. Kan. Stat. Ann. § 25-2908(e) (2004).
- **Challenge available at polls?**
 - Election judges may challenge at polls. Kan. Stat. Ann. § 25-414(a) (2004).
- **Miscellaneous:**
 - Kansas law allows for mail ballot elections when the election involves an issue rather than a candidate and the election is bipartisan. Mail Ballot Election Act, Kan. Stat. Ann. § 25-432 (2004).

MEMORANDUM

TO: Sara Sampson
FROM: Jaime Lebo
DATE: 9/1/05
RE: States for ID requirements chart: Kentucky

Kentucky

Summary:

All Kentucky voters are required to present identification before being allowed to vote on election day. KRS §117.227 (2004) and 31 KAR 4:010 (2005). This can be by personal acquaintance, or by a document, such as a driver license, Social Security card, credit card, or any identification card that bears both the picture and signature of the voter. *Id.*

If the voter does not have identification, then they must sign a written affirmation that they are qualified to vote and then must vote provisionally. 31 KAR 6:020.

- **Statutes:** KRS §117.227 (2004).
 - Effective: July 15, 2002
 - Amended 2002 Ky. Acts ch. 10, sec. 1, effective July 15, 2002. –Created 1988 Ky. Acts ch. 341, sec. 9, effective July 15, 1988.
- **Session law/recent legislation passed:** none
- **Pending legislation:**
 - none
- **Case law (from annotations):**
 - none
- **Administrative regulations:** 31 KAR 4:010 (2005). In effect as of April 22, 2005.
 - 31 KAR 6:020: provides procedures for voting provisionally
- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - No. KRS §116.115
 - **At polls:**
 - All voters are required to present identification before being allowed to vote on election day. KRS §117.227 (2004) and 31 KAR 4:010.
 - **First time voters or all?**
 - All voters are required to present identification before being allowed to vote on election day. KRS §117.227 (2004) and 31 KAR 4:010.
 - **When?**
 - At polls. KRS §117.227 (2004)
 - **What types of ID?**
 - Personal acquaintance or by a document, such as a motor vehicle operator's license, Social Security card, or credit card. KRS §117.227 (2004). Also, any identification card that bears both the picture and signature of the voter, or any identification card that has been issued by the county, and

which has been approved in writing by the State Board of Elections. 31 KAR 4:010.

- Voters are required to give their name and address to the clerk of the election. If his name is listed on the precinct list, he is to sign the precinct list and his signature should be compared with that on the original registration form. KRS §117.225 (2004).
- **State or federal elections?**
 - Both. KRS §117.227 (2004)
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Provisional ballot. 31 KAR 6:020.
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Written affirmation. 31 KAR 6:020.
- **Challenge available at polls?**
 - Yes. KRS §117.245 (2004).

MEMORANDUM

TO: Sara Sampson
FROM: Jaime Lebo
DATE: August 28, 2005
RE: States for ID requirements chart: Louisiana

Louisiana

Summary:

Louisiana voters are required to identify themselves and state their address to election officials at the polls. La. R.S. §18:562 (2005). In addition, they must provide a picture identification card. *Id.* If the voter does not possess the requisite identification, he must sign an affidavit and provide further identification that is requested by the commissioner. *Id.* If the further identification is provided, then the voter may vote on a regular ballot. *Id.*

Louisiana has early voting, but before voting, the voter is required to submit his Louisiana driver's license, his current registration certificate, or other identification card to compare with the descriptive information on the precinct register. La. R.S. §18:1309(D)(1) (2005).

When registering, a Louisiana voter must provide identification which reasonably and sufficiently establishes his identity, age, and residence. La. R.S. §18:105 (2005).

- **Statutes:** La. R.S. 18:562 (2005).
- **Session law/recent legislation passed:** 2005 La. Sess. Law Serv. Act 220 (H.B. 336): providing provisions for early voting. Will become activated on January 1, 2006.
 - Act 423 of 2003 Regular Legislative Session implements provisional voting in Louisiana only in elections for federal office. Louisiana Secretary of State Elections Division, Lu<http://www.sec.state.la.us/elections/elections-index.htm#votereg>.
- **Pending legislation:**
 - none
- **Case law (from annotations):**
 - none
- **Administrative regulations:** none
- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - The applicant's driver's license number or last 4 digits of social security number is required on the form. If applicant has neither, then he must attach either a copy of a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the applicant. La. R.S. §18:104 (2005).
 - Also, the applicant must submit his current Louisiana driver's license, if he has one, or his birth certificate, or other documentation which

reasonably and sufficiently establishes the applicant's identity, age, and residency. La. R.S. §18:105 (2005).

- **At polls:**
 - All voters must identify themselves by stating their name and address to the commissioner. La. R.S. §18:562(A)(1) (2005).
 - Each voter must also provide identification. La. R.S. §18:562(A)(2) (2005).
- **Early voting/Absentee voting:**
 - Before any voter is allowed to vote during early voting, the voter is required to submit his Louisiana driver's license, his current registration certificate, or other identification card to compare with the descriptive information on the precinct register. La. R.S. §18:1309(D)(1) (2005).
- **First time voters or all?**
 - All voters. La. R.S. §18:562 (2005).
- **When?**
 - At polls. La. R.S. §18:562 (2005).
- **What types of ID?**
 - Louisiana driver's license, Louisiana special identification card issued pursuant to R.S. §40:1321, or other generally recognized picture identification card. La. R.S. §18:562(A)(2) (2005).
 - In addition, the applicant's signature on the precinct register should be compared to his signature on his picture identification. La. R.S. §18:652(C) (2005).
- **State or federal elections?**
 - Both. La. R.S. §18:562 (2005).
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Regular ballot. La. R.S. §18:562(A)(2) (2005).
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Voters who have no picture ID and bring only a utility bill, payroll check or government document that includes their name and address will have to sign an affidavit furnished by the Elections Division in order to vote. La. R.S. §18:562(A)(2) (2005).
 - The applicant shall provide further identification by presenting his current registration certificate, giving his date of birth or providing other information stated in the precinct register that is requested by the commissioner. La. R.S. §18:562 A(2) (2005).
- **Challenge available at polls?**
 - Yes. La. R.S. §18:565 (2005).

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: June 7, 2005
RE: 10 states for ID requirements chart: Maine

Maine

Summary:

Maine law allows for in person registration and registration by mail. It also allows voters to register up until and on election day. Me. Rev. Stat. Ann. tit. 21-A, § 122 (2004). However, any voter registering nine or less days prior to an election (Federal or State) or on election day must register in person and show proof of identity and residency. Me. Rev. Stat. Ann. tit. 21-A, § 121 (2004). Otherwise, the voter must only complete an application including his/her name; address; date of birth; signature; and driver's license, state identification number or social security number (if the voter has one of these). Me. Rev. Stat. Ann. tit. 21-A, § 152 (2004). There is no identification requirement for voters at the polls beyond HAVA. At the polls, voters that have satisfied HAVA's requirements must only announce their name and address in order to vote. Me. Rev. Stat. Ann. tit. 21-A, § 671 (2004).

The types of identification that are permissible as proof of residency or identity for in person registrants are not specifically stated, but I would assume the requirements are fairly liberal since no specific types are enumerated or suggested on the Secretary of State's website. Maine permits all types of identification permissible under HAVA in order to meet the HAVA requirements for identification. Further, HAVA seems to apply to State and Federal elections in Maine, as the Secretary of State updated the State's registration form and included a disclaimer that voters must submit identification with their registration. Mathew Dunlap, Secretary of State, State of Maine Voter Guide 2004 (2004), at <http://www.maine.gov/sos/cec/elec/votguid04.htm>; State of Maine Preliminary State Plan for the Implementation of the Help America Vote Act of 2002, 17, at <http://www.maine.gov/sos/cec/elec/hava/havaplan.doc>. The disclaimer makes no distinction between Federal and State elections. *Id.*

Without identification at the polls (does not matter if registering at polls or required by HAVA) a voter may vote a challenged ballot. Me. Rev. Stat. Ann. tit. 21-A, § 673 (2004). There is no pending legislation concerning voter identification.

• **Statute:**

- Me. Rev. Stat. Ann. tit. 21-A, § 671 (2004).
- Me. Rev. Stat. Ann. tit. 21-A, § 152 (2004).
- Me. Rev. Stat. Ann. tit. 21-A, § 121 (2004).
- Me. Rev. Stat. Ann. tit. 21-A, § 122 (2004).
- **Passed:**
 - § 671 – 1985 (at least)
 - § 152 – 1985 (at least); 2003 added a place on registration form for HAVA information

- § 121 – 1985; 1993 added provision requiring identification for voters registering close to election; 1999 established 9 days as time period which requires in-person registration and proof of identity and residency
 - § 122 – 1985 – added election day registration provision; the in-person registration language has been in the Code at least that long, possibly since 1954.
- **Session law:** none
- **Pending legislation:** none
- **Case law (from annotations):** none
- **Administrative regulations:** nothing in administrative code on voter identification.
- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - Not if the registration is received at least 10 days prior to the election, only name, address, date of birth, signature, and driver's license, state identification number or social security number (if applicable) are required. Me. Rev. Stat. Ann. tit. 21-A, § 152 (2004).
 - Maine law allows in person registration up until and including election day. Me. Rev. Stat. Ann. tit. 21-A, § 122 (2004). Anyone who registers nine or less days prior to election day or on election day must register in person and must show proof of identity and residency. Me. Rev. Stat. Ann. tit. 21-A, § 121 (2004).
 - **At polls:**
 - No, a voter must only announce his/her name and, if asked, his address. Me. Rev. Stat. Ann. tit. 21-A, § 671 (2004).
 - HAVA requirements, of course, apply.
 - **First time voters or all?**
 - The registration identification requirements obviously apply only to new registrants.
 - There are no requirements for identification at the polls applying to all voters in Maine.
 - **When?**
 - There are only identification requirements for registration, not prior to voting.
 - **What types of ID?**
 - For the registration within nine days of election day or on election day – no types are specified.
 - HAVA – all types permissible under HAVA. (see below)
 - **State or federal elections?**
 - The provisions requiring identification for registration within nine days of election day apply to all elections. Me. Rev. Stat. Ann. tit. 21-A, § 121 (2004).
 - **HAVA:** seems to apply to all elections. Maine law designated the Secretary of State as the authority for promulgating rules complying with HAVA. Me. Rev. Stat. Ann. tit. 21-A, § 222 (2004). The Secretary of State updated Maine's registration form to comply with the HAVA identification

requirements for mail-in registrants by placing a disclaimer on the form that the voter must submit a copy of a Maine driver's license or other valid photo ID, a current utility bill, or bank statement, or paycheck, or other government document that shows the voter's name and address with the registration. Mathew Dunlap, Secretary of State, State of Maine Voter Guide 2004 (2004), at <http://www.maine.gov/sos/cec/elec/votguid04.htm>; State of Maine Preliminary State Plan for the Implementation of the Help America Vote Act of 2002, 17, at <http://www.maine.gov/sos/cec/elec/hava/havaplan.doc>.

- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - If the voter registers nine or less days prior to the election or on election day and has no proof of residency and identity, the voter must cast a challenged ballot. Me. Rev. Stat. Ann. tit. 21-A, § 121 (2004).
 - If the voter is subject to HAVA identification requirements but does not provide identification, the voter must also cast a challenged ballot. State of Maine Preliminary State Plan for the Implementation of the Help America Vote Act of 2002, 17, at <http://www.maine.gov/sos/cec/elec/hava/havaplan.doc>.
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Challenged ballot, subject to normal challenged ballot rules. Nothing for voter to do post-election. In fact, challenged ballots are counted the same as regular ballots unless they affect the outcome of the election. Me. Rev. Stat. Ann. tit. 21-A, § 696 (2004).
- **Challenge available at polls?**
 - Yes, any voter of the municipality may challenge any other voter for cause. The voter then votes a challenged ballot. Me. Rev. Stat. Ann. tit. 21-A, § 673 (2004).

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: June 23, 2005
RE: States for ID requirements chart: Maryland

Maryland

Summary:

Maryland law does not require any identification beyond the HAVA requirements for first time registrants who register by mail. Md. Regs. Code tit. 33, § 05.02.02 (2005); Md. Regs. Code tit. 33, § 07.06.01 (2005). The types of identification permitted are the same as permitted under HAVA. Md. Regs. Code tit. 33, § 05.02.02 (2005); Md. Regs. Code tit. 33, § 07.06.02 (2005). Maryland applies this standard to State and Federal elections. Md. Regs. Code tit. 33, § 05.02.02 (2005); Md. Regs. Code tit. 33, § 07.06.01 (2005). Without identification at the polls or registration, a new voter may vote a provisional ballot but must bring identification before the canvass begins in order for the vote to be counted. Md. Code Ann., Elec. Law § 11-303 (d)(4)(iii) (2005).

Recently, Maryland passed a law altering State election law to comply with the voter registration list requirements of HAVA, but the law does not address the identification provisions of HAVA. 2005 Md. Laws 572. There are three bills pending in the House which would require identification at the polls. HB 105, 419th Sess., Reg. Sess. (Md. 2005); HB 1279, 419th Sess., Reg. Sess. (Md. 2005); HB 1166, 419th Sess., Reg. Sess. (Md. 2005).

- **Statutes:** none concerning HAVA's identification requirements or identification at polls.
- **Administrative regulations:**
 - Md. Regs. Code tit. 33, § 05.02.02 (2005).
 - Md. Regs. Code tit. 33, § 07.06.01 (2005).
 - Md. Regs. Code tit. 33, § 07.06.02 (2005).
 - Md. Regs. Code tit. 33, § 07.06.05 (2005).
- **Session law/recent legislation passed:**
 - 2005 Md. Laws Ch. 572: Altering State election law to comply with the voter registration list requirements of the Help America Vote Act of 2002; establishing a statewide voter registration list; requiring the State Administrator of Elections to perform specified tasks; establishing when specified voters are restored to active status; altering requirements to challenge special actions of local election boards; providing for a delayed effective date; but not enacting identification provision [5/26/05 signed by governor]
 - Bill HB 723
- **Pending legislation:**
 - HB 1166, 419th Sess., Reg. Sess. (Md. 2005): would require proof of citizenship at registration – birth certificate, passport, or naturalization documents; require that voters present a voter identification card at the polls. [3/7/05 reported from committee unfavorably]
 - HB 1279, 419th Sess., Reg. Sess. (Md. 2005): would require identification at the polls from all voters in the form of a driver's license, state identification card, or voter identification card. If the voter has none of those, they may present any

other government-issued identification that has the voter's name, address, and date of birth; or, the voter may state the month and day of his/her birth and have it verified against the precinct register. [3/7/05 reported from committee unfavorably]

- HB 105, 419th Sess., Reg. Sess. (Md. 2005): would require identification at the polls from all voters in the form of a driver's license, state identification card, or voter identification card. If the voter has none of those, they may present any other government-issued identification that has the voter's name, address, and date of birth; or, the voter may state the month and day of his/her birth and his address and have it verified against the precinct register. [3/26/05 reported from committee unfavorably]
- **Case law (from annotations):** none
- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - HAVA requirements: provide driver's license number, MVA identification card, or last four digits of social security number OR identification (see below for forms). Md. Regs. Code tit. 33, § 05.02.02 (2005); Md. Regs. Code tit. 33, § 07.06.01 (2005).
 - **At polls:**
 - Orally state month and day of birth and compare it to precinct register; verify address. Md. Code Ann., Elec. Law § 10-310 (2005).
 - **First time voters or all?**
 - Just first time voters – no requirement beyond HAVA. Md. Regs. Code tit. 33, § 07.06.01 (2005).
 - **When?**
 - At registration or at polls. Md. Regs. Code tit. 33, § 05.02.02 (2005).
 - **What types of ID?**
 - A copy of a current and valid photo identification (i.e., Maryland driver's license, MVA-issued identification card, student photo identification card, or employee photo identification card).
 - OR
 - A copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the voter's name and address.
 - Md. Regs. Code tit. 33, § 05.02.02 (2005); Md. Regs. Code tit. 33, § 07.06.02 (2005).
 - **State or federal elections?**
 - No distinction made between requirements for State or Federal elections. Md. Regs. Code tit. 33, § 05.02.02 (2005); Md. Regs. Code tit. 33, § 07.06.01 (2005).
 - **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Provisional ballot. Md. Code Ann., Elec. Law § 9-404 (b)(2)(iii) (2005); Md. Regs. Code tit. 33, § 07.06.05 (2005).

- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Provide identification before canvass begins. Md. Code Ann., Elec. Law § 11-303 (d)(4)(iii) (2005); Maryland State Board of Elections Webpage, http://www.elections.state.md.us/registered_voters/election_day_faq.html.

- **Challenge available at polls?**

Yes. Md. Code Ann., Elec. Law § 10-311 (2005); Md. Code Ann., Elec. Law § 10-312 (2005).

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: June 27, 2005
RE: States for ID requirements chart: Massachusetts

Massachusetts

Summary:

Massachusetts does not require any identification beyond HAVA for voters who register by mail and are voting for the first time in a federal election. Mass. Gen. Laws ch. 54, §76B (2005). They must present identification either at the polls or at registration or supply their driver's license or social security number on their registration form. *Id.* The forms of acceptable identification are the same as under HAVA, and this requirement seems to apply only to federal elections. Mass. Gen. Laws ch. 54, § 76B (b)(2)(A)(a) (2005); Mass. Gen. Laws ch. 54, § 76B (b)(1) (2005). Without proper identification, the voter may execute an affidavit and vote a provisional ballot. Mass. Gen. Laws ch. 54, § 76B (b)(2)(B)(i) (2005); Mass. Gen. Laws ch. 54, § 76C (b) (2005).

Massachusetts law also allows for election officials to request identification of any voter randomly or based on reasonable suspicion. Mass. Regs. Code tit. 950, § 52.03 (2005); Mass. Regs. Code tit. 950, § 53.03 (2005); Mass. Regs. Code tit. 950, § 54.04 (2005). This requirement applies to all voters, not just new registrants. *Id.* Upon request, the voter must produce written identification, which includes: driver's license, recent utility bill, rent receipt, lease, voter registration affidavit copy, or any other printed identification which contains the voter's name and address. *Id.* If the voter does not provide the identification, he may vote normally but may be challenged. *Id.*

There are several pending bills which concern voter identification. HB 92, 184th Gen. Ct., 2005 Reg. Sess. (Mass. 2005) would apply HAVA to all elections, rather than just federal elections. HB 46, 184th Gen. Ct., 2005 Reg. Sess. (Mass. 2005) would require voters to recite their date of birth (in addition to name and residence) prior to voting. HB 51, 184th Gen. Ct., 2005 Reg. Sess. (Mass. 2005) would require all voters to provide government-issued identification prior to voting with no allowance for provisional ballots. HB 112, 184th Gen. Ct., 2005 Reg. Sess. (Mass. 2005) is similar to HB 51 but allows the voter to satisfy the identification requirement with an employee identification card. HB 132, 184th Gen. Ct., 2005 Reg. Sess. (Mass. 2005) requires identification of all voters but allows many more forms of identification than HB 51 or 112.

- **Statutes:** Mass. Gen. Laws ch. 54, § 76B (2005).
 - **Passed:** 2004
- **Session law/recent legislation passed:** none
- **Pending legislation:**
 - HB 46, 184th Gen. Ct., 2005 Reg. Sess. (Mass. 2005): requires voters to state their name, residence, and date of birth prior to voting (date of birth added by the bill) [1/26/05 introduced and referred to committee]
 - HB 51, 184th Gen. Ct., 2005 Reg. Sess. (Mass. 2005): rewrites § 76B and § 76, requiring identification for all voters prior to voting, which includes a Massachusetts driver's license, an official Massachusetts photo identification card,

a United States passport, or a Social Security card; does not provide for provisional balloting system for those without identification. [1/26/05 introduced and referred to committee]

- HB 92, 184th Gen. Ct., 2005 Reg. Sess. (Mass. 2005): applies HAVA requirements to all elections, primaries, caucuses, and preliminaries, not just federal elections. [1/26/05 introduced and referred to committee]
- HB 112, 184th Gen. Ct., 2005 Reg. Sess. (Mass. 2005): rewrites § 76B and § 76, requiring identification for all voters at the polls, which includes a voter registration card, social security card, valid Massachusetts drivers license, or any other identification card issued by a government agency, or any valid employee identification card containing a photograph of the voter; provides for no provisional balloting system for those without identification. [1/26/05 introduced and referred to committee]
- HB 132, 184th Gen. Ct., 2005 Reg. Sess. (Mass. 2005): rewrites § 76B completely, requiring identification for all voters at the polls including: a valid driver's license, birth certificate, fishing or hunting license, student identification card from a post-secondary education institution in the Commonwealth or such other documentation which establishes the applicant's identity, age and residency. [1/26/05 introduced and referred to committee]
- **Case law (from annotations):** none
- **Administrative regulations:**
 - Mass. Regs. Code tit. 950, § 52.03 (2005): Voting procedure and challenges for precincts using paper ballots.
 - Mass. Regs. Code tit. 950, § 53.03 (2005): Voting procedure and challenges for precincts using voting machines.
 - Mass. Regs. Code tit. 950, § 54.04 (2005): Voting procedure and challenges for precincts using electronic voting systems.
- **What the law requires:**
 - **Is ID required?**
 - **For registration/at polls/HAVA requirements:**
 - Must present identification either with registration or at polls prior to voting unless the voter supplied his/her driver's license number or social security number on his/her registration form. Mass. Gen. Laws ch. 54, § 76B (2005).
 - **At polls/all voters:**
 - State name and address, if requested. Mass. Gen. Laws ch. 54, § 76 (2005); Mass. Regs. Code tit. 950, § 52.03 (2005); Mass. Regs. Code tit. 950, § 53.03 (2005); Mass. Regs. Code tit. 950, § 54.04 (2005).
 - **Id at polls for all:** The election officers may ask for written identification randomly or based on reasonable suspicion. Mass. Regs. Code tit. 950, § 52.03 (2005); Mass. Regs. Code tit. 950, § 53.03 (2005); Mass. Regs. Code tit. 950, § 54.04 (2005).
 - **First time voters or all?**
 - **HAVA requirements:** First time voters who have not previously voted in an election for federal office. Mass. Gen. Laws ch. 54, § 76B (b)(1)(b) (2005).

- **At polls/random ID checks:** However, all voters are subject to random identification checks or checks based on reasonable suspicion. Mass. Regs. Code tit. 950, § 52.03 (2005); Mass. Regs. Code tit. 950, § 53.03 (2005); Mass. Regs. Code tit. 950, § 54.04 (2005).
- **When?**
 - **HAVA requirement:** Either at registration or at polls. Mass. Gen. Laws ch. 54, § 76B (2005).
- **What types of ID?**
 - **For HAVA / new registrants who registered by mail:**
 - Current and valid photo identification.
 - OR
 - Current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter.
 - Mass. Gen. Laws ch. 54, § 76B (b)(2)(A)(a)(2005).
 - **For ID at polls for all voters upon request (random checks):**
 - Driver's license, recent utility bill, rent receipt, lease, voter registration affidavit copy, or any other printed identification which contains the voter's name and address. Mass. Regs. Code tit. 950, § 52.03 (2005); Mass. Regs. Code tit. 950, § 53.03 (2005); Mass. Regs. Code tit. 950, § 54.04 (2005).
- **State or federal elections?**
 - **HAVA:** Language of statute says "a person asserting a right to vote in an election for federal office," and implies that it applies to federal elections only. Mass. Gen. Laws ch. 54, § 76B (b)(1) (2005).
 - *See also* HB 92, which strikes this language and applies the identification requirement to all elections. HB 92, 184th Gen. Ct., 2005 Reg. Sess. (Mass. 2005).
 - **Random checks of all voters at polls:** applies to all elections.
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - **HAVA:** Provisional ballot. Mass. Gen. Laws ch. 54, § 76B (b)(2)(B)(i) (2005).
 - **Random ID checks of all voters at polls:** If the voter does not provide identification, the voter may still vote but can be challenged. Mass. Regs. Code tit. 950, § 52.03 (2005); Mass. Regs. Code tit. 950, § 53.03 (2005); Mass. Regs. Code tit. 950, § 54.04 (2005).
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - A voter subject to HAVA who does not provide identification may sign an affidavit and vote provisionally. Mass. Gen. Laws ch. 54, § 76C (b) (2005).
- **Challenge available at polls?**
 - Yes. Mass. Gen. Laws ch. 54, § 85A (2005); Mass. Regs. Code tit. 950, § 52.03 (2005); Mass. Regs. Code tit. 950, § 53.03 (2005); Mass. Regs. Code tit. 950, § 54.04 (2005).

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: June 7, 2005
RE: 10 states for ID requirements chart: Michigan

Michigan

Summary:

Michigan law requires that certain information be supplied on the registration form, including the voter's state identification card or driver's license number (if the voter has one), but does not require any identification for registration. Mich. Comp. Laws Ann. § 168.495 (2005). At the polls and registration, Michigan does not require any identification beyond the requirement for first time voters in Federal elections. Mich. Comp. Laws Ann. § 168.509t (2) (2005).

In 1996, Michigan enacted a statute requiring photo identification for all voters prior to voting. Mich. Comp. Laws Ann. § 168.523 (2005). However, immediately after its passage, the Attorney General declared that the statute violated the Equal Protection Clause of the Fourteenth Amendment. Op. Atty. Gen. 1997, No. 6930. That decision is binding on all state agencies.

Michigan's provisional ballot rules for voters without identification under HAVA have been recently challenged. *Bay County Democratic Party v. Land*, 347 F. Supp. 2d 404 (E.D. Mich. 2004). Michigan requires that first-time voters without the identification required by HAVA vote provisionally and must return with identification within six days after the election in order for their vote to be counted. *Id.* The District Court ruled that the requirement was valid under the First and Fourteenth Amendments and under HAVA and Federal law. *Id.*

- **Statute:**
 - Mich. Comp. Laws Ann. § 168.495 (2005).
 - Mich. Comp. Laws Ann. § 168.509t (2005).
 - **Passed:**
 - § 168.495 – 1954, has been refined over time, but requirement since 1954.
 - § 168.509t – 1994 recognized registration by mail contingent on NVRA being constitutional; HAVA compliant portion added in 2004.
- **Session law:** none
- **Pending legislation:** HB 4228, 93rd Legis., 1st Reg. Sess. (Mich. 2005)(changing the name of the registration from “affidavit” to “application”) [referred to House Committee 2/8/05]
- **Case law (from annotations):**
 - *Bay County Democratic Party v. Land*, 347 F. Supp. 2d 404 (E.D. Mich. 2004): requirement that a voter without identification under HAVA on election day return with proper identification within six days after the election in order for his/her vote to be counted does not violate First or Fourteenth Amendment rights or violate HAVA or other Federal law.
 - Op. Atty. Gen. 1997, No. 6930: declaring photo identification requirement statute unconstitutional – Opinion binding on State agencies.
- **Administrative regulations:** none

- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - Registration affidavit required, which must contain name, address, birthplace, date of birth, driver's license or state identification card number (if the voter has one), statement that the voter is a citizen of the U.S., statement that the voter is or will be eighteen, statement that the voter has lived or will have lived in the state for thirty days prior to the election. Mich. Comp. Laws Ann. § 168.495 (2005).
 - **At polls:**
 - Any voter who registered by mail and is voting for the first time must vote in person and must provide identification (essentially HAVA). Mich. Comp. Laws Ann. § 168.509t (2) (2005).
 - Otherwise, voters do not have to meet any identification requirement at the polls. Mich. Comp. Laws Ann. § 168.736 (2005).
 - **Invalid statute:**
 - In 1996, Michigan passed a law requiring official state identification card, driver's license, or other generally recognized picture identification card (which must include name and residence address) be shown prior to receiving a ballot; without such identification, the voter must execute an affidavit and vote a challenged ballot. Mich. Comp. Laws Ann. § 168.523 (2005).
 - However, immediately after its passage, the law's validity was challenged. The Attorney General declared that the law violated the Equal Protection Clause of the Fourteenth Amendment. Op. Atty. Gen. 1997, No. 6930.
 - The rationale for doing so was that voting is a fundamental right, and the law is not "necessary" to prevent voter fraud, even though preventing voter fraud is a "compelling" interest. *Id.* The Attorney General felt that the qualified voter file, criminal penalties for voting fraud, and required affidavits were sufficient to prevent voter fraud. *Id.* In Michigan, Attorney General Opinions are binding on all state agencies, and this opinion was never overruled by a court. Thus, it is binding on election officials. However, the provision is still in Michigan's Code and has not been repealed.
 - **First time voters or all?**
 - First time voters.
 - **When?**
 - Identification must be provided at registration or at polls – HAVA requirements.
 - **What types of ID?**
 - Same types listed in § 303 (b) of HAVA. Mich. Comp. Laws Ann. § 168.509t (2) (2005).
Types allowed:
 - Driver's license with photo (any state); personal identification card with photo (any state); government issued photo identification

card; passport; student identification card with photo; credit or automated teller card with photo; military identification card with photo; employee identification with photo. Memorandum from Terry Lynn Land, Secretary of State (Oct. 13, 2004), http://www.michigan.gov/documents/Fed_ID_Req_105890_7.pdf.

- A paycheck or paycheck stub from any employer issued within the last year; a Social Security Administration check statement issued within the last year; government or military paycheck or paycheck stub issued within the last year; tax return check or check statement issued by the IRS or the State of Michigan within the last year; a gas, telephone, electric, water, cable or other utility bill issued within the last year; a statement from a bank or credit union dated within the last year; vehicle registration; Electronic Benefit Transaction (EBT) card; Department of Social Services (DSS) card; insurance card issued pursuant to a government administered or subsidized health insurance program such as Medicare or Medicaid; veteran's identification card; lease agreement provided under a public housing program or subsidized housing program; public housing identification card; tuition statement or bill from a public college or university; correspondence or a bill received from a federal, state or local government; discharge certificate, release papers, pardon, or other official document issued to the voter in connection with the resolution of a criminal case, indictment, sentence or other matter, in accordance with state law; discount card issued by a public transportation authority or a provider to senior citizens or persons with disabilities; marriage license. Memorandum from Terry Lynn Land, Secretary of State (Oct. 13, 2004), http://www.michigan.gov/documents/Fed_ID_Req_105890_7.pdf.

○ **State or federal elections?**

- Appears to be federal only since § 168.509t only requires identification “as required under section 303(b) of the help America vote act of 2002.” Mich. Comp. Laws Ann. § 168.509t (2) (2005).
- Also the Memorandum from the Secretary of State only refers to it as a “federal” requirement. Memorandum from Terry Lynn Land, Secretary of State (Oct. 13, 2004), http://www.michigan.gov/documents/Fed_ID_Req_105890_7.pdf.

○ **Consequences of having no ID (provisional ballot v. regular ballot?)**

- Provisional ballot. Memorandum from Terry Lynn Land, Secretary of State (Oct. 13, 2004), http://www.michigan.gov/documents/Fed_ID_Req_105890_7.pdf.

○ **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**

- Provide identification permitted under HAVA within six days after election.

- **Challenge available at polls?**
 - Yes, and poll challengers permitted as well. Mich. Comp. Laws Ann. § 168.727 – 168.730 (2005).
- **Miscellaneous:**
 - Uses verification postcards, if returned by postal service, no registration. Mich. Comp. Laws Ann. § 168.500c (2005).
 - Already uses qualified voter file.

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: June 7, 2005
RE: 10 states for ID requirements chart: Minnesota

Minnesota

Summary:

Minnesota requires identification prior to a voter being registered. Minn. Stat. § 201.061 (1) (2004). A mailed registration lacking identification or unique identifier (either social security number, state identification card number or driver's license number) is considered incomplete and does not register the voter. *Id.* Technically, Minnesota law requires a photo identification (driver's license, state identification card, passport, or student identification card) and if the address is not correct on that identification, another document with the voter's current address (tuition bill or utility bill). Minn. Stat. § 201.061 (3) (2004). Native Americans are permitted to show a tribal identification card with name, address and signature (requirement modified by law below). *Id.* As an alternative to formal identification, all registered voters are allowed to vouch for another voter's identity and residency and sign an affidavit to that effect. *Id.* These identification requirements only apply to new registrants and apply to all elections. Minnesota does not require any identification prior to voting; the voter must simply sign the register, attesting to his/her eligibility to vote. Minn. Stat. § 204C.10 (2004).

Minnesota just passed a new law regarding voter identification. 2005 Minn. Sess. Law Serv. Ch. 156, sec. 15, 45, § 201.061, § 204C.10 (West). The law allows employees of residential facilities (apartments, nursing homes, etc.), in addition to other voters, to vouch for the identity and address of residents of the facility and also limits the number of persons a voter (but not residential facility employees) may vouch for to fifteen. *Id.* The law also changes the affidavit used when a voter vouches for another voter and loosens the requirements for using a tribal identification card as identification. *Id.* It also changes the language of the affidavit the voter must sign prior to voting relating to felony disenfranchisement. *Id.*

Minnesota has many bills pending concerning voter identification requirements; however, many of the bills were considered settled in passing the recent voter identification law. Minnesota has considered a variety of changes to voter identification including requiring photo identification for all voters prior to voting as well as loosening the identification requirements for registration of new voters.

- **Statute:**
 - Minn. Stat. § 201.061 (2004).
 - Minn. Stat. § 204C.10 (2004).
 - **Passed:**
 - § 201.061 – At least since 1977.
 - § 204C.10 – 1981.
- **Session law:** 2005 Minn. Sess. Law Serv. Ch. 156, sec. 15, 45, § 201.061, § 204C.10 (West).
 - Bill: HF 1481, 84th Legis. Sess., Reg. Sess. (Minn. 2005)(enacted).

- § 204C.10: Changed language of affidavit voter must sign prior to voting concerning felony disenfranchisement – attesting that voter is not a felon.
- § 201.061: Changes provision concerning one voter vouching for another; allows an employee of a residential facility to vouch for a resident of the facility; limits the number of persons a voter may vouch for to fifteen; more specifics on content of affidavit vouching for a voter; tribal members using tribal identification card as identification not required to live on reservation.
- **Pending legislation:** bills considering adding a photo identification requirement for all voters and some bills considering loosening identification requirements for registration.
 - Both § 204C.10 & § 201.061
 - **HF 1443**, 84th Legis. Sess., Reg. Sess. (Minn. 2005)(requiring photo identification for all voters at polls & requiring proof of U.S. citizenship at registration) [House committee 3/3/05]
 - Companion Bill: SF 923
 - **SF 923**, 84th Legis. Sess., Reg. Sess. (Minn. 2005)(requiring photo identification for all voters at polls & requiring proof of U.S. citizenship at registration) [Senate committee 2/10/05]
 - Companion Bill: HF 1443
 - **SF 2266**, 84th Legis. Sess., Reg. Sess. (Minn. 2005)(adds utility bill, residential lease, bank statement, government check, paycheck, or other government document that shows the name and valid residential address of the voter to the list of valid forms of identification; loosens requirements for students – not requiring a photo ID with address ID; adds landlord to list of persons who can vouch for a voter; tribal members using tribal identification card as identification not required to live on reservation; changes language of felony disenfranchisement on voting affidavit) [first reading 4/26/05; second reading 4/27/05; amended 4/29/05; third reading & passed 4/29/05; HF 1481 substituted by motion 4/29/05]
 - HF 1481 substituted which was passed and signed into law.
 - **SF 1551**, 84th Legis. Sess., Reg. Sess. (Minn. 2005)(lengthening the time by which state agencies must forward voter registration applications to the secretary of state; adds utility bill, residential lease, bank statement, government check, paycheck, or other government document that shows the name and residential address of the voter to the list of valid identifications when presented in conjunction with a current photo identification and adds student lease (in conjunction with a photo identification) to list of valid identifications; adds landlord to list of persons who can vouch for a voter; changes language of felony disenfranchisement on voting affidavit) [Senate committee 3/10/05; referred to another committee 3/29/05; referred to another committee 4/7/05]
 - Absorbed into HF 1481, which was passed and signed into law.
 - Companion Bill: HF 2226
 - **HF 2342**, 84th Legis. Sess., Reg. Sess. (Minn. 2005)(eliminates requirement that tribal members using tribal identification card live on reservation; changes language of felony disenfranchisement on voting affidavit) [House committee 4/6/05]
 - Essentially accomplished through HF 1481
 - **SF 386**, 84th Legis. Sess., Reg. Sess. (Minn. 2005))(eliminates requirement that tribal members using tribal identification card live on reservation; changes language of

felony disenfranchisement on voting affidavit) [House committee 1/19/05; second reading 2/3/05; referred back to committee 2/3/05]

- Absorbed into HF 1481, which was passed and signed into law.

§ 204C.10 only

- **HF 1494**, 84th Legis. Sess., Reg. Sess. (Minn. 2005)(requires all voters to present picture ID, document issued by the State of Minnesota or US government, or tribal ID with name, address and date of birth prior to voting at polls– without identification, voter may execute affidavit and vote a regular ballot) [House committee 3/3/05]

201.061 only

- **HF 1785**, 84th Legis. Sess., Reg. Sess. (Minn. 2005)(eliminates requirement that tribal members using tribal identification card live on reservation) [House committee 3/14/05; second reading 4/11/05; referred back to committee 5/23/05]
 - Essentially accomplished through HF 1481
 - Companion Bill: SF 1692
- **HF 2226**, 84th Legis. Sess., Reg. Sess. (Minn. 2005)(lengthening the time by which state agencies must forward voter registration applications to the secretary of state; adds utility bill, residential lease, bank statement, government check, paycheck, or other government document that shows the name and residential address of the voter to the list of valid identifications when presented in conjunction with a current photo identification; adds student lease (in conjunction with a photo identification) to list of valid identifications) [House committee 3/30/05; second reading in House 4/18/05; referred back to committee 5/23/05]
 - Companion Bill: SF 1551
- **SF 852**, 84th Legis. Sess., Reg. Sess. (Minn. 2005)(adds current utility bill, residential lease, wireless telephone bill, bank statement, government check, paycheck, or other government document that shows the name and valid residential address of the voter to the list of acceptable identifications; loosens student identification requirements – not requiring an accompanying photo identification with address verification; eliminates requirement that tribal members using tribal identification card live on reservation) [first reading 2/10/05; referred to committee 2/10/05; second reading & returned to committee 3/29/05]
 - Absorbed into HF 1481, which was passed and signed into law.
 - Companion Bill: HF 975
- **HF 2099**, 84th Legis. Sess., Reg. Sess. (Minn. 2005)(limiting the number of voters that a person may vouch for to three) [House committee 3/23/05; second reading 4/7/05; referred back to committee 5/23/05]
- **HF 975**, 84th Legis. Sess., Reg. Sess. (Minn. 2005)(adds current utility bill, residential lease, wireless telephone bill, bank statement, government check, paycheck, or other government document that shows the name and valid residential address of the voter to the list of acceptable identifications; loosens student identification requirements – not requiring an accompanying photo identification with address verification; eliminates requirement that tribal members using tribal identification card live on reservation) [House committee 2/10/05]

- Companion Bill: SF 852
- **Case law (from annotations):**
 - *State v. Board of Educ. of City of Duluth*, 197 N.W. 964 (Minn. 1924): registration requirement as a prerequisite to voting is constitutional.
- **Administrative regulations:**
 - Minn. R. 8200.2900 (2004): deficient registration procedures – deficient registration is not a “challenged” voter, not registered.
 - Minn. R. 8200.3100 (2004): incomplete registrations – procedure for completing registration; notification.
 - Minn. R. 8200.3200 (2004): persons exempt from identification requirement – same as HAVA
 - Minn. R. 8200.5500 (2004): procedure & requirements for election day registration including identification requirements
- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - Minnesota modifies HAVA and requires a copy of identification be submitted with the mailed registration or driver’s license or social security number be provided on the registration form (which must be able to be verified against other state records). If not, the voter may:
 - Provide identification more than twenty days prior to the election to the county auditor
 - Register in person on election day
 - Provide proof of residence at the polls
 - Minn. Stat. § 201.061 (1) (2004).
 - **At polls:**
 - No, not unless for election day registration.
 - At polls, voter must only sign register, attesting to the fact that the voter is eligible to vote, and may be required to verify name, address, and date of birth. Minn. Stat. § 204C.10 (2004).
 - **First time voters or all?**
 - First time voters only – who did not provide either form of identification verification (DL or SS number or a copy of identification) with their mailed in registration. Minn. Stat. § 201.061 (2004).
 - **When?**
 - At registration technically because without identification the voter is not registered at all. Minn. Stat. § 201.061 (1a) (2004); Minn. R. 8200.2900 (2004).
 - **What types of ID?**
 - Driver’s license or Minnesota state identification card with current address (or bring utility bill with correct address together with driver’s license); passport with utility bill with current address; student identification card with current address; tuition bill in combination with photo identification card; affidavit by another registered voter vouching for the voter; tribal identification card with name, address and signature; and other identification forms approved by the Secretary of State. Minn. Stat. § 201.061 (3) (2004); Minnesota Secretary of

State, Polling Place Posters (2004), <http://www.sos.state.mn.us/election/PollingPlacePosters.pdf>.

- **State or federal elections?**
 - Appears to apply to all elections, no distinction made in statute.
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Voter is not registered. See Minn. Stat. § 201.061 (2004); Minn. R. 8200.2900 (2004).
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Cannot vote, not registered. See Minn. Stat. § 201.061 (2004); Minn. R. 8200.2900 (2004).
- **Challenge available at polls?**
 - In a partisan election, each party gets one challenger at the polls; in a nonpartisan election, each candidate gets one challenger at the polls. Minn. Stat. § 204C.07 (2004).
- **Miscellaneous:**
 - Has postcard verification; if postcard returned, voter's status is changed to "challenged" and must comply with challenged voter rules. Minn. Stat. § 201.12 (2004).
 - Mail balloting permitted in municipal, county and state elections in small municipalities or unorganized portions of a county. Minn. Stat. § 240B.45 (1) (2004).

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: June 7, 2005
RE: 10 states for ID requirements chart: Mississippi

Mississippi

Citation:

I was not sure how to cite some of these documents, but they are all included with the Mississippi sources. [ID requirement poster & 3 Administrative Procedures titled – “Mississippi Guide to Elections – 2004”]

Summary:

Mississippi has no statutes in its Code concerning voter identification specifically. Prior to HAVA, Mississippi did not require any identification to register or vote. Since HAVA, Mississippi delegated the authority to promulgate rules complying with HAVA to the Secretary of State. Miss. Code Ann. § 23-15-169.5 (2004). By rule, Mississippi has taken the HAVA requirements and applied them to State and Federal elections. Mississippi Guide to Elections – 2004, July 12, 2004 (State of Mississippi Voter Information poster). Essentially, the exact same rules apply, and the same forms of identification are acceptable. *Id.*; ID poster from Secretary of State – Elections website - http://www.sos.state.ms.us/elections/2004/Handbook/FinalAccepted_ID.jpg. If a voter lacks identification at the polls and did not provide it with his/her registration, the voter may cast an “affidavit ballot,” which is very similar to a provisional ballot. Mississippi Guide to Elections – 2004, July 12, 2004; ID poster from Secretary of State – Elections website – http://www.sos.state.ms.us/elections/2004/Handbook/FinalAccepted_ID.jpg.

At the polls, voters need only to state their name prior to voting, except for new registrants that did not provide identification with their registration. Mississippi Guide to Elections – 2004, July 12, 2004 (State of Mississippi Voter Information poster).

Mississippi considered voter identification extensively in its last session, but ultimately, all bills introduced died in committee. Shelia Byrd, *Deadline Expires on Voter ID Bill – Changes in Marriage License Law Also Won’t Be Made*, Memphis Commercial Appeal, March 2, 2005. This issue is expected to reemerge as a hot topic in the legislature’s next session. *Id.*

- **Statute:**

- None concerning voter ID specifically, but, prior to HAVA, Mississippi did not require any identification for registration or voting.
- **Passed:** N/A

- **Session law:** none

- **Pending legislation:**

- Several bills concerning voter identification, some requiring photo identification, were introduced in the 2005 Session but all died in committee because of the March 1, 2005 deadline for pending bills to either pass the other chamber or die in committee: HB 1045, SB 2067, SB 2634, SB 2910, HB 1421, HB 1045, HB 996,

HB 434, SB 2123, HB 345, HB 361, HB 185. – However, many similar proposals are expected to reemerge in the next session.

- **Case law (from annotations):** none
- **Administrative regulations:** No formal administrative code in Mississippi but the Secretary of State has the power to promulgate rules and has promulgated a series of rules implementing HAVA. (three relevant ones enclosed)
- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - Yes, but not beyond HAVA requirements except that it applies to all elections. Mississippi Guide to Elections – 2004, July 12, 2004 (State of Mississippi Voter Information poster).
 - **At polls:**
 - Nothing beyond HAVA requirements for new registrants; all other voters must simply state their name. Mississippi Guide to Elections – 2004, July 12, 2004 (State of Mississippi Voter Information poster).
 - **First time voters or all?**
 - First time voters/new registrants only. Mississippi Guide to Elections – 2004, July 12, 2004 (State of Mississippi Voter Information poster).
 - **When?**
 - Same as HAVA – either at registration or at polls. Mississippi Guide to Elections – 2004, July 12, 2004 (State of Mississippi Voter Information poster).
 - **What types of ID?**
 - Photo ID
 - Utility bill with name and address
 - Bank statement with name and address
 - Paycheck with name and address
 - Any other government document with name and address
 - Mississippi Guide to Elections – 2004, July 12, 2004 (State of Mississippi Voter Information poster); ID poster from Secretary of State – Elections website - http://www.sos.state.ms.us/elections/2004/Handbook/FinalAccepted_ID.jpg.
 - **State or federal elections?**
 - Both, Mississippi's Secretary of State has promulgated several rules implementing HAVA's requirements for all elections in Mississippi. Mississippi Guide to Elections – 2004, July 12, 2004; ID poster from Secretary of State – Elections website - http://www.sos.state.ms.us/elections/2004/Handbook/FinalAccepted_ID.jpg.
 - **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Voter may cast an "affidavit ballot," which is essentially the same thing as a provisional ballot. Mississippi Guide to Elections – 2004, July 12, 2004; ID poster from Secretary of State – Elections website – http://www.sos.state.ms.us/elections/2004/Handbook/FinalAccepted_ID.jpg.
 - Procedures for affidavit ballot – Miss. Code Ann. § 23-15-573 (2004).

- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Vote affidavit ballot which requires executing an affidavit including: name, address, telephone number, statement that the voter believes that he/she is registered to vote, and signature. The vote may or may not be counted depending on whether the voter's status can be determined after the election. Miss. Code Ann. § 23-15-573 (2004); Mississippi Guide to Elections – 2004, July 12, 2004 (State of Mississippi Voter Information poster).
- **Challenge available at polls?**
 - Yes, poll watchers, election judges, registered voters, and candidates may challenge voters at the polls. Miss. Code Ann. § 23-15-571 (2004).

MEMORANDUM

TO: Sara Sampson
FROM: Sarah Shive
DATE: August 21, 2005
RE: States for ID requirements chart: Missouri

Missouri

Summary:

Missouri requires voters to present a copy of a birth certificate, a Native American tribal document, other proof of United States citizenship, a valid Missouri drivers license or other form of personal identification at the time of registering to vote. §115.135.2 R.S. Mo.

If registering by mail for the first time, voters are asked to send a copy of valid photo identification. §115.155.1 R.S. Mo. If voters do not submit one of these documents, they will be asked to present a copy of a birth certificate, a Native American tribal document, other proof of United States citizenship, a valid Missouri drivers license, or other personal identification when voting for the first time. *Id.*

Before receiving a ballot, a voter must present identification issued by Missouri, an agency of the state, or a local election authority in the state; identification issued by the U.S. government or an agency; identification issued by an institute of higher education located in Missouri; a copy of a current utility bill, bank statement, government check, paycheck or other government document that contains the name and address of the voter; a driver's license or state identification card issued by another state; or other identification approved by the Secretary of State. §115.427.1 R.S. Mo. If two election judges, one from each party, personally know the voter and vouch for their identity, signing an affidavit, this may be substituted for other identification. *Id.*

A voter who has registered to vote by mail but does not present proper identification at the polls when voting in person for the first time may cast a provisional ballot. §115.159.2 R.S. Mo. A voter who has registered by mail but did not submit identification and has not voted in person and presented identification may not vote by absentee ballot. *Id.*

- **Statutes:**

- **Passed:**

- **§115.135.2** – 1977; 1994 changed “no person shall be allowed to register unless he or she presents...identification” to “A person applying to register with an election authority or a deputy registration official shall present...identification.”
 - **§115.155.1** – 1977; 2003 added language to the voter registration form asking the voter to submit a copy of valid photo identification or other personal identification, or a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows their name and address (the latter portion being later repealed) when registering by mail, or to be prepared to present identification when voting for the first time.
 - **§115.159** – 1977; 2003 added permission for a voter who had registered by mail but had not presented proper identification to vote provisionally, and indicated that a voter who registered by mail may vote absentee for the first time if they submitted proper identification with their application to register.

- **§115.427** – 1977; indicates that before voting, a voter must present identification issued by Missouri, an agency of the state, or a local election authority in the state; identification issued by the U.S. government or an agency; identification issued by an institute of higher education located in Missouri; a copy of a current utility bill, bank statement, government check, paycheck or other government document that contains the name and address of the voter; a driver’s license or state identification card issued by another state; or other identification approved by the Secretary of State. Additionally, two election judges, one from each party, may vouch for the identity of the voter if they know the voter personally.
- **Session law/recent legislation passed:**
 - **2005 Mo. HB 353:** adds to §115.135.2 the specific enumeration “a copy of a birth certificate, a Native American tribal document, other proof of United States citizenship” as acceptable forms of identification to show when registering to vote. [HB 353, signed by governor July 17, 2005]. Also deletes from the voter registration form outlined in §115.155.1 language allowing a voter to submit a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows their name and address when registering by mail in order to avoid being asked for identification when voting for the first time.
- **Pending legislation:**
 - **2005 Mo. H.B. 149/2005 Mo. H.B. 762:** proposes to change §115.159 to prohibit a voter who registered by mail from being given an advance (rather than absentee) ballot unless they have provided proper identification either in person or by mail. (Feb. 10, 2005/Mar. 31, 2005)
 - **2005 Mo. S.B. 472:** proposes to change §115.159 to prohibit a voter who registered by mail from being given an advance (rather than absentee) ballot unless they have provided proper identification either in person or by mail. (Mar. 2, 2005)
 - **2005 Mo. H.B. 66:** proposes to change §115.135 and §115.155 such that a voter would be required to present both a valid Missouri driver’s license or other form of personal identification and a copy of a birth certificate or other proof of United States citizenship when registering in person, or to submit both a copy of current, valid photo identification and a copy of a birth certificate or other proof of United States citizenship when registering by mail. (Jan. 6, 2005)
 - **2005 Mo. S.B. 50:** proposes to change §115.135 and §115.155 such that a voter would be required to present both a valid Missouri driver’s license or other form of personal identification and a copy of a birth certificate, Social Security card, or other proof of United States citizenship when registering in person, or to submit both a copy of current, valid photo identification and a copy of a birth certificate, Social Security card, or other proof of United States citizenship when registering by mail. (Mar. 8, 2005)
- **Case law (from annotations):**
 - none
- **Administrative regulations:**

- **15 CSR 30-3.010:** provides that personal knowledge of a voter by two election judges, one from each major political party, suffices as identification, if the election judges complete an affidavit attesting to the voter's identity.
- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - When registering in person, a copy of a birth certificate, a Native American tribal document, other proof of United States citizenship, a valid Missouri drivers license or other form of personal identification should be presented. A copy of valid photo identification should be submitted when registering by mail. Otherwise, the voter will be asked for a copy of a birth certificate, a Native American tribal document, other proof of United States citizenship, a valid Missouri drivers license, or other personal identification when voting for the first time.
 - **At polls:**
 - Before voting, voters must present identification issued by Missouri, an agency of the state, or a local election authority in the state; identification issued by the U.S. government or an agency; identification issued by an institute of higher education located in Missouri; a copy of a current utility bill, bank statement, government check, paycheck or other government document that contains the name and address of the voter; a driver's license or state identification card issued by another state; or other identification approved by the Secretary of State. Two election judges, one from each party, may also vouch for the identity of the voter if they personally know them.
- **First time voters or all?**
 - All
 - **When?**
 - A copy of valid photo ID may be submitted when registering by mail. When registering in person, ID must be presented. ID must also be presented at the polls.
 - **What types of ID?**
 - When registering by mail: a copy of valid photo identification
 - When registering in person: a copy of a birth certificate, a Native American tribal document, other proof of United States citizenship, a valid Missouri drivers license or other form of personal identification
 - At the polls: a voter must present identification issued by Missouri, an agency of the state, or a local election authority in the state; identification issued by the U.S. government or an agency; identification issued by an institute of higher education located in Missouri; a copy of a current utility bill, bank statement, government check, paycheck or other government document that contains the name and address of the voter; a driver's license or state identification card issued by another state; or other identification approved

by the Secretary of State (personal knowledge of the voter by two election judges may also suffice).

- **State or federal elections?**
 - Both
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - A voter with no identification at the polling place may not vote.
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - A voter with no identification at the polling place may not vote.
- **Challenge available at polls?**
 - No.

MEMORANDUM

TO: Sara Sampson
FROM: Sarah Shive
DATE: August 21, 2005
RE: States for ID requirements chart: Montana

Montana

Summary:

Montana requires that before a voter may receive a ballot, they must present current photo identification showing their name, which may include a valid driver's license, a school photo identification card, or a tribal photo identification card. MCA §13-13-114(1)(a). If they do not provide current photo identification, they may provide instead a current utility bill, bank statement, paycheck, notice of confirmation of voter registration, government check, or other government document that shows the elector's name and current address. *Id.* The identification need not perfectly match the information in the precinct register, as long as an election judge is able to the voter's identity and eligibility. MCA §13-13-114(1)(c). If the information provided is insufficient to verify the voter's identity and eligibility, or the voter's name does not appear in the precinct register, they may still vote provisionally. MCA §13-13-114(2). A voter who has voted provisionally may verify their eligibility to vote by providing a form of identification permitted by §13-13-114(1)(a) in person by 5 p.m. on the day after the election, by fax or email by 5 p.m. on the day after the election, or by mail postmarked either the day of the election or the day after the election. MCA §13-15-107.

When registering to vote by mail, a voter must enclose a copy of current and valid photo identification showing the individual's name, such as a valid driver's license, a school photo identification card, or a tribal photo identification card; or a current utility bill, bank statement, paycheck, government check, or other government document that shows the individual's name and current address. MCA §13-2-110(5)(b). When registering in person, a voter must present current and valid photo identification with the individual's name, such as valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification card; or a current utility bill, bank statement, paycheck, government check, or other government document that shows the individual's name and current address. MCA §13-2-110(5)(a).

- **Statutes:**
 - **Passed:**
 - **§13-13-114** – 1979; 2003 changed the requirement that the voter state their name and address before signing the precinct register and voting to a requirement that the voter present identification of one of the types enumerated by the statute (photo identification, or a current utility bill, bank statement, paycheck, notice of confirmation of voter registration, government check, or other government document that shows the voter's name and current address).
 - **§13-15-107** – 2003
 - **§13-2-110** – 2003
- **Session law/recent legislation passed:**
 - None.

- **Pending legislation:**
 - **2005 MT S.B. 234:** proposes that a voter whose name appears on the precinct register and is voting in person not be required to show identification, and that a voter whose name appears in the register as a provisionally registered voter receive a regular ballot if presenting either valid photo identification or a current utility bill, bank statement, paycheck, notice of confirmation of voter registration, government check, or other government document that shows the elector's name and current address. (Mar. 1, 2005 – died in committee)
 - **2005 MT S.B. 367:** proposes to remove a driver's license from the enumerated list of acceptable forms of identification to present when registering to vote. Also proposes that if a voter's name does not appear in the precinct register, but the voter is in the correct precinct, or the voter's registration is outdated, that the voter must be permitted to register or to update their registration, and be provided with a regular ballot. (Feb. 4, 2005)
 - **2005 MT S.B. 302:** proposes to remove a driver's license from the enumerated list of acceptable forms of identification to present when registering to vote. (Apr. 18, 2005)
 - **2005 MT D. 375/2005 MT D. 458:** proposes that identification requirements may not be more stringent than those laid out in the Help America Vote Act of 2002. Also proposes to remove the identification requirements for registration in person, and to alter those required for registration by mail to require that a voter submit a copy of valid, current photo identification showing their name and current address, or if such identification does not exist, a current utility bill, bank statement, paycheck, government check, or other government document that shows the individual's name and current address. Also proposes to remove the identification requirements for voters voting in person, and to allow voters whose names appear in the precinct register as provisionally registered voters to vote by regular ballot if they present current photo identification showing their name and current address, or if the voter does not have such document, a current utility bill, bank statement, paycheck, notice of confirmation of voter registration, government check, or other government document that shows the elector's name and current address. (Dec. 30, 2004/Jan. 10, 2005)
 - **2005 MT D. 1213:** proposes to provide for same-day registration to vote, and removes a driver's license from the enumerated list of acceptable forms of identification for a voter to present when registering to vote. (Jan. 31, 2005)
- **Case law (from annotations):**
 - None.
- **Administrative regulations:**
 - None.
- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - By mail: A voter must enclose a copy of current and valid photo identification showing the individual's name, such as a valid driver's license, a school photo identification card, or a tribal photo identification card; or a current utility bill, bank statement,

paycheck, government check, or other government document that shows the individual's name and current address.

- In person: A voter must present current and valid photo identification with the individual's name, such as valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification card; or a current utility bill, bank statement, paycheck, government check, or other government document that shows the individual's name and current address.
- **At polls:**
 - Montana requires that before a voter may receive a ballot, they must present current photo identification showing their name, which may include a valid driver's license, a school photo identification card, or a tribal photo identification card. If they do not provide current photo identification, they may provide instead a current utility bill, bank statement, paycheck, notice of confirmation of voter registration, government check, or other government document that shows the elector's name and current address.
- **First time voters or all?**
 - All
 - **When?**
 - When registering to vote, and at the polls before voting.
 - **What types of ID?**
 - When registering by mail: A voter must include a copy of current and valid photo identification with the individual's name, such as valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification card; or a current utility bill, bank statement, paycheck, government check, or other government document that shows the individual's name and current address.
 - When registering in person: A voter must present current and valid photo identification with the individual's name, such as valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification card; or a current utility bill, bank statement, paycheck, government check, or other government document that shows the individual's name and current address.
 - At the polls: Before a voter may receive a ballot, they must present current photo identification showing their name, which may include a valid driver's license, a school photo identification card, or a tribal photo identification card. If they do not provide current photo identification, they may provide instead a current utility bill, bank statement, paycheck, notice of confirmation of voter registration, government check, or other government document that shows the elector's name and current address.
 - **State or federal elections?**

- Both
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - A voter with no identification or insufficient identification at the polling place must vote provisionally.
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - A voter who has voted provisionally may verify their eligibility to vote by providing a form of identification permitted by §13-13-114(1)(a) in person by 5 p.m. on the day after the election, by fax or email by 5 p.m. on the day after the election, or by mail postmarked either the day of the election or the day after the election.
- **Challenge available at polls?**
 - A challenger may challenge a voter's eligibility to vote at any time by filling out an affidavit stating the grounds of the challenge and any evidence supporting it and submitting the affidavit to the election administrator or, on election day, an election judge. §13-13-301(1) as amended by 2005 Mt. ALS 286.

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: June 7, 2005
RE: 10 states for ID requirements chart: Nebraska

Nebraska

Summary:

Nebraska law requires that an applicant supply his/her name, address, phone number, date of birth, place of birth, and driver's license number or the last four digits of his/her social security number (if the applicant has either) in order to register to vote. Neb. Rev. Stat. § 32-312 (2004); 2005 Neb. Laws 566. Nebraska has also codified the HAVA identification requirements and applied them to State and Federal elections. Neb. Rev. Stat. § 32-319 (2004); Neb. Rev. Stat. § 32-914 (2004). Thus, new voters who registered by mail are required to present identification with their registration, prior to voting, or at the polls. *Id.* The forms of identification are the same forms acceptable under HAVA. *Id.* Without proper identification, these voters may vote a provisional ballot. Neb. Rev. Stat. § 32-915 (2004); 2005 Neb. Laws 566. At the polls, all other voters are only required to announce their name and address and sign their name in the record. Neb. Rev. Stat. § 32-913 (2004); Neb. Rev. Stat. § 32-914 (2004).

Nebraska recently passed two laws concerning elections. 2005 Neb. Laws 53; 2005 Neb. Laws 566. 2005 Neb. Laws 53 makes a change to the length of time felons are not permitted to vote. 2005 Neb. Laws 566 makes extensive changes to HAVA updates passed in 2003. It specifies what information is required on the registration form and that a registration may be rejected for failure to provide certain information. 2005 Neb. Laws 566. It also clarifies the identification requirements for new voters who registered by mail and includes a requirement that photo identification be valid and current and all other forms of identification be dated within the last sixty days. *Id.*

- **Statute:**

- Neb. Rev. Stat. § 32-312 (2004).
- Neb. Rev. Stat. § 32-319 (2004).
- Neb. Rev. Stat. § 32-914 (2004).
- Neb. Rev. Stat. § 32-915.02 (2004).
- **Passed:**
 - § 32-312 – 1994; 2003 driver's license or social security number added as a registration information requirement
 - § 32-319 – 2003
 - § 32-914 – 2003
 - § 32-915.02 – 2003

- **Session law:**

- 2005 Neb. Laws 53 (passed over governor's veto March 10, 2005): amending § 32-312 and lengthening time for felony disenfranchisement to two years after sentence is complete
- 2005 Neb. Laws 566 (signed into law May 31, 2005):
 - gives Secretary of State the power to promulgate rules and regulations

- amending 32-319: rewords section regarding providing identification with registration
 - amending 32-312: telephone number and place of birth no longer optional; adds a statement that an incomplete application may be rejected; adds a statement that failure to provide driver's license or social security number will not result in rejection; makes minor word & phrasing changes
 - amending 32-318: new provision added mandating that the identification provided by mail in registrants must be dated within the last sixty days or, for photo identification, that it is current and valid; also adds that the identification may be shown at registration, after registration, or at the polls and by mail, fax, or in person
 - amending 32-914: rewrote requirement on showing identification at polls
 - repealing 32-915.02 but the relevant portion regarding provisional ballots for new voters who do not present identification was moved to § 32-915.
- **Pending legislation:** none
- **Case law (from annotations):** none
- **Administrative regulations:** none
- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - State law requires that the applicant supply his/her name, address, driver's license number or the last four digits of his/her social security number (if the applicant has either), and date of birth in order to register. Neb. Rev. Stat. § 32-312 (2004).
 - Phone number & place of birth now no longer optional; incomplete application may be rejected (but not because driver's license or social security number omitted). 2005 Neb. Laws 566.
 - New registrants who register by mail are also instructed to provide a copy of a current photo identification, utility bill, bank statement, government check, paycheck, or other government document that is current and show the voter's name and address either at registration or at the polls. Neb. Rev. Stat. § 32-319 (2004).
 - **At polls:**
 - New mail in registrants – required to provide identification at the polls if they did not provide a copy with their registration. Neb. Rev. Stat. § 32-319 (2004); Neb. Rev. Stat. § 32-914 (2004).
 - All voters - Only required to announce their name and address and sign their name in record. Neb. Rev. Stat. § 32-913 (2004); Neb. Rev. Stat. § 32-914 (2004).
 - **First time voters or all?**
 - Identification requirements only for first time voters who register by mail – must provide identification either with their registration or at the polls. Neb. Rev. Stat. § 32-319 (2004); Neb. Rev. Stat. § 32-914 (2004).

- **When?**
 - Either at the polls or with registration. Neb. Rev. Stat. § 32-319 (2004); Neb. Rev. Stat. § 32-914 (2004).
- **What types of ID?**
 - Current photo identification OR
 - Utility bill, bank statement, government check, paycheck, or other government document that is current and shows the voter's name and address
 - Neb. Rev. Stat. § 32-319 (2004); Neb. Rev. Stat. § 32-914 (2004).
 - New provision added to § 32-318 by 2005 Neb. Laws 566 requiring photo identification be valid and current and all other forms of identification be dated within the last sixty days.
- **State or federal elections?**
 - All elections.
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Provisional ballot. Neb. Rev. Stat. § 32-915.02 (2004).
 - § 32-915.02 repealed by 2005 Neb. Laws 566 but the relevant language was added to § 32-915.
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - The voter must also fill out voter registration form and execute an affidavit that the voter is a registered voter. Neb. Rev. Stat. § 32-915.02 (2004).
 - § 32-915.02 repealed by 2005 Neb. Laws 566 but the relevant language was added to § 32-915.
- **Challenge available at polls?**
 - Yes, of any voter by an election judge, inspector, clerk, or registered voter. Neb. Rev. Stat. § 32-926 (2004).

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: June 21, 2005
RE: States for ID requirements chart: Nevada

Nevada

Summary:

Nevada requires first time voters who register by mail to present identification either at registration or at the polls (identification forms are the same as under HAVA). Nev. Rev. Stat. 293.2725 (2005). Without proper identification, the voter may execute an affidavit and vote a provisional ballot for federal candidates only. Nev. Rev. Stat. 293.2725 (2005).

All other voters are only required to state their name and sign the poll register, which is compared to their registration card or one of a variety of forms of alternative signature comparison documents. However, if the signatures do not match, the voter must produce additional identification with a signature and a picture (types are specified by law). Nev. Rev. Stat. 293.277 (2005).

Nevada has recently passed two bills which allow voters who vote provisionally to vote for federal offices as well as state and local offices. Several bills were introduced this session concerning voter identification and registration.

Interestingly, Nevada has implemented a statewide touch screen voting system with voter verifiable paper audit trail, which Nevada boasts was a complete success in 2004. Nevada Secretary of State Homepage, at <http://sos.state.nv.us/publications/hava.htm>.

- **Statutes:** Nev. Rev. Stat. 293.2725 (2005); Nev. Rev. Stat. 293.285 (2005); Nev. Rev. Stat. 293.277 (2005).
 - **Passed:**
 - 293.2725 – 2003
 - 293.285 – 1960
 - 293.277 – at least since 1991; possibly since 1960.
- **Session law/recent legislation passed:**
 - 2005 Nev. Stat. 500, sec. 9, 10, 293.3081, 293.3082: allowing voters who vote provisionally to vote for State and Federal issues and candidates
 - Bill: AB 500, 73rd Leg. Sess., Reg. Sess. (Nev. 2005) [approved by governor June 17, 2005]
 - 2005 Nev. Stat. 455, sec. 23, 24, 293.3081, 293.3082: allowing voters who vote provisionally to vote for State and Federal issues and candidates
 - Bill: AB 455, 73rd Leg. Sess., Reg. Sess. (Nev. 2005) [approved by governor June 13, 2005, effective October 1]
- **Pending legislation:**
 - AB 269, 73rd Leg. Sess., Reg. Sess. (Nev. 2005): Require all voters to present either a current and valid photo identification or a copy of a current utility bill, bank statement, paycheck or document issued by a governmental entity prior to voting; changes 293.277 to require signature verification, identification document,

and name in election register in order for a voter to be permitted to vote. [3/21/05 - Introduced; 4/16/05 - No further action allowed]

- SB 478, 73rd Leg. Sess., Reg. Sess. (Nev. 2005): Substitutes “current utility bill, bank statement, paycheck, or document issued by a governmental entity, including, without limitation, a check, which indicates the name and address of the person” for “sufficient proof of residence and identity” in 293.2725 (HAVA compliant statute); limits alternative signature verification document (when voter registration card unavailable) to only a valid photo identification card in 293.277. [3/29/05 – introduced; 4/27/05 no further action allowed]
- AB 499, 73rd Leg. Sess., Reg. Sess. (Nev. 2005): adds school identification card to list of alternative signature verification documents; allows a voter to show identification instead of signature comparison to prove identity in 293.277 [3/28/05 introduced; 5/23/05 passed out of committee; 6/3/05 referred to another committee; 6/6/05 passed out of committee]
- SB 386, 73rd Leg. Sess., Reg. Sess. (Nev. 2005): allowing appointed poll challengers; modernizing the election code to accommodate modern methods of voting and running polls and registration; removing references to punch ballots [conference committee 6/3/05]
- **Case law (from annotations):** none
- **Administrative regulations:** none
- **What the law requires:**
 - **Is ID required?**
 - **HAVA:** First time voters who registered by mail must have identification (either with registration or at polls). Nev. Rev. Stat. 293.2725 (2005).
 - Alternative: Provide social security number or state identification number on registration form, and voter’s name and date of birth match with an existing state record. Nev. Rev. Stat. 293.2725 (2)(b) (2005).
 - **All other voters:** At polls, all voters must state their names and then sign in register. Their signatures are compared to either voter registration cards or a variety of identification documents with a signature. Nev. Rev. Stat. 293.277 (1) (2005); Nev. Rev. Stat. 293.285 (1) (2005).
 - If signatures do not match, the voter must produce additional identification: voter registration card, driver’s license, state identification card, military identification card, or any other form of identification issued by a government agency with signature and picture. Nev. Rev. Stat. 293.277 (2005).
 - **First time voters or all?**
 - First time voters only for the identification requirement. Nev. Rev. Stat. 293.2725 (2005).
 - Signature verification applies to all voters. Nev. Rev. Stat. 293.277 (2005).
 - **When?**
 - HAVA requirement: Either at registration or at polls. Nev. Rev. Stat. 293.2725 (2)(a) (2005).

- **What types of ID?**
 - HAVA requirement: Photo identification, utility bill, bank statement, paycheck, or government issued document (must contain name and address). Nev. Rev. Stat. 293.2725 (1)(a) (2005).
- **State or federal elections?**
 - Both. Except that without identification, a first time voter who registered by mail is only allowed to vote provisionally for federal candidates, not state or local candidates. Nev. Rev. Stat. 293.3082 (2005).
 - RECENT CHANGE: 2005 Nev. Stat. 500, sec. 9, 10, 293.3081, 293.3082 & 2005 Nev. Stat. 455, sec. 23, 24, 293.3081, 293.3082: voters voting provisionally may vote for state and federal candidates and issues.
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Provisional ballot. Nev. Rev. Stat. 293.3081 (2005).
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Affidavit & can vote provisionally. Nev. Rev. Stat. 293.3082 (2005).
- **Challenge available at polls?**
 - Yes, by any registered voter. Nev. Rev. Stat. 293.303 (2005).
- **Miscellaneous:**
 - Uses touch screen voting with voter verifiable paper audit trail
 - Has vote by mail for precincts with less than 200 registered voters. Nev. Rev. Stat. 293.343 (2005).
 - Allows early voting. Nev. Rev. Stat. 293.356 (2005).

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: June 22, 2005
RE: States for ID requirements chart: New Hampshire

New Hampshire

Summary:

New Hampshire, like a few other states with election day registration, was exempted from the NVRA and from the provisional balloting requirement of HAVA. New Hampshire Secretary of State, 2005 State Plan Draft, 16 (2005), <http://www.sos.nh.gov/HAVA/State%20Plan%202005-06-02.pdf>. Consequently, New Hampshire requires in person registration for all voters who do not qualify for an absentee ballot. *Id.* This can be done either prior to the election or on election day, but it must be done in person. *Id.* Registration requires proof of citizenship, proof of age, and proof of domicile. N.H. Rev. Stat. Ann. § 654:12 (2005). Proof of age requires documentation proving the requirement, but citizenship and domicile may be proven through affidavit (but executing the affidavit requires proof of identity).

The identification requirements of HAVA are not really much of an issue in New Hampshire, as only absentee voters are permitted to register by mail.

At the polls, voters are only required to announce their name prior to receiving a ballot, but in order to register on election day they must prove citizenship, domicile, and age. N.H. Rev. Stat. Ann. § 659:13 (2005); N.H. Rev. Stat. Ann. § 654:12 (2005). An election day registrant is not permitted to register and consequently vote without proof of citizenship, age, and domicile (no provisional balloting). New Hampshire Secretary of State, 2005 State Plan Draft, 14 (2005), <http://www.sos.nh.gov/HAVA/State%20Plan%202005-06-02.pdf>.

There are several bills pending concerning election day registration, photo identification at the polls, and identification at registration. All remain in committee currently.

- **Statutes:** N.H. Rev. Stat. Ann. § 654:12 (2005); N.H. Rev. Stat. Ann. § 659:13 (2005)
 - **Passed:**
 - § 654:12 – 1979
 - § 659:13 – 1979
- **Session law/recent legislation passed:** none
- **Pending legislation:**
 - HB 639, 159th Sess. (N.H. 2005): eliminating election day registration and enacting provisions of NVRA [1/26/05 introduced; 3/23/05 retained in committee]
 - HB 501, 159th Sess. (N.H. 2005) & HB 345, 159th Sess. (N.H. 2005): AT POLLS - requiring photo identification for all voters; AT REGISTRATION - changing forms of identification for proof of domicile to: NH state identification card, NH driver's license, NH vehicle registration, passport, military identification, or other photo identification; AT REGISTRATION - adds proof of identity to

requirements – by photo identification only [Both bills - 1/26/05 introduced; 3/16/05 retained in committee]

- HB 347, 159th Sess. (N.H. 2005): requiring proof of citizenship of all voters at the polls - birth certificate, passport, naturalization papers, citizenship affidavit, or any other reasonable documentation which indicates the applicant is a citizen. [1/26/05 introduced; 3/16/05 retained in committee]
- HB 345, 159th Sess. (N.H. 2005): requiring photo identification of all voters prior to voting (photo driver's license, passport, military identification, or other government issued photo identification). [1/26/05 introduced; 3/16/05 retained in committee]
- SB 26, 159th Sess. (N.H. 2005): requiring photo identification prior to voting. [1/5/05 introduced; 4/7/05 recommitted to committee]
- **Case law (from annotations):** none
- **Administrative regulations:** none
- **What the law requires:**
 - **Is ID required?**
 - **For registration/all voters:** Requires in person registration with city clerk or the Supervisors of the Checklist. Registration can occur on election day. Also requires proof of citizenship, age, and domicile (also proof of identity required if any of those three are to be proven by affidavit). N.H. Rev. Stat. Ann. § 654:12 (2005).
 - Proof of citizenship: birth certificate, passport, naturalization papers, notarized citizenship affidavit, or any other document indicating the voter is a U.S. citizen
 - Proof of age: any reasonable document indicating the applicant is eighteen years old or older
 - Proof of domicile: any reasonable document indicating the applicant has a domicile and intends to maintain a domicile there or a notarized domicile affidavit
 - Documents acceptable for domicile proof: NH driver's license, NH vehicle registration, or photo identification issued by US government
 - Proof of identity (needed to execute affidavit to prove citizenship or domicile): driver's license issued by any state, passport, or government issued photo identification
 - **At polls/all registered voters:** Announce name only. N.H. Rev. Stat. Ann. § 659:13 (2005).
 - **HAVA:** voters are only permitted to register by mail in New Hampshire if they qualify for an absentee ballot, but that procedure complies with HAVA and requires identification. New Hampshire Secretary of State, 2005 State Plan Draft, 16 (2005), <http://www.sos.nh.gov/HAVA/State%20Plan%202005-06-02.pdf>.
 - **First time voters registering by mail or all?**
 - Requirements apply to all voters; obviously the registration requirements apply only to new voters. N.H. Rev. Stat. Ann. § 654:12 (2005); N.H. Rev. Stat. Ann. § 659:13 (2005).

- **When?**
 - At registration. N.H. Rev. Stat. Ann. § 654:12 (2005).
- **What types of ID?**
 - Proof of citizenship: birth certificate, passport, naturalization papers, notarized citizenship affidavit, or any other document indicating the voter is a U.S. citizen
 - Proof of age: any reasonable document indicating the applicant is 18 years old or older
 - Proof of domicile: any reasonable document indicating the applicant has a domicile and intends to maintain a domicile there or a notarized domicile affidavit
 - Documents acceptable for domicile proof: NH driver's license, NH vehicle registration, or photo identification issued by US government
 - Proof of identity (needed to execute affidavit to prove citizenship or domicile): driver's license issued by any state, passport, or government issued photo identification
 - N.H. Rev. Stat. Ann. § 654:12 (2005).
- **State or federal elections?**
 - All elections.
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Cannot vote/not registered – no provisional voting system. New Hampshire is exempt from provisional voting requirement of HAVA because it has election day registration. Voter must prove citizenship, age and domicile prior to registration and voting (but that can be done by affidavit). New Hampshire Secretary of State, 2005 State Plan Draft, 14 (2005), <http://www.sos.nh.gov/HAVA/State%20Plan%202005-06-02.pdf>.
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - See above.
- **Challenge available at polls?**
 - Yes, any voter may challenge. N.H. Rev. Stat. Ann. § 659:27 (2005).
- **Miscellaneous:**
 - Has election day registration with same identification requirements as regular registration. Requires in person registration. N.H. Rev. Stat. Ann. § 654:7-a, 7b (2005).

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: June 22, 2005
RE: States for ID requirements chart: New Jersey

New Jersey

Summary:

New Jersey does not require any identification beyond HAVA for new registrants registering by mail; instead, New Jersey merely applies HAVA's requirements to all elections. N.J. Stat. Ann. § 19:15-17 (2005); N.J. Stat. Ann. § 19:31-5 (2005); N.J. Stat. Ann. § 19:31-6.4 (2005). The acceptable forms of identification are the same as under HAVA. *Id.* The applicant may present the identification either at the polls or with his/her registration. *Id.* Without identification, a new voter may vote a provisional ballot, but the vote will not be counted if the voter does not produce identification to election officials within two days of the election. N.J. Stat. Ann. § 19:53C-3 (2005).

At the polls, there is no identification requirement for all voters, but signature comparison is done. N.J. Stat. Ann. § 19:15-17 (2005); N.J. Stat. Ann. § 19:31-21 (2005).

There are several voter identification-related bills pending in the legislature. A couple of these bills have passed one chamber and are awaiting a vote in the other. Two of these proposals would require identification at the polls. SB 2462, 211th Assem., 2nd Ann. Sess. (N.J. 2005).

- **Statutes:** N.J. Stat. Ann. § 19:15-17 (2005); N.J. Stat. Ann. § 19:31-5 (2005); N.J. Stat. Ann. § 19:31-6.4 (2005).
 - **Passed:**
 1. § 19:15-17 – 2004
 2. § 19:31-5 – 2004
 3. § 19:31-6.4 – 2004
- **Session law/recent legislation passed:** none
- **Pending legislation:**
 - SB 2462, 211th Assem., 2nd Ann. Sess. (N.J. 2005): requires personal identification to vote (identification types not specified) [5/5/05 introduced, referred to committee]
 - A 3404: issue electronic voter ID cards to voters which must be brought to polls [10/18/04 introduced, referred to committee]
 - AB 42, 211th Assem., 2nd Ann. Sess. (N.J. 2005): Permits voter registration up to twenty-one days before election; permits use of provisional ballot as voter registration; modifies information available on voter registration list [3/7/05 introduced; 6/20/05 passed Assembly; 6/20/05 second reading in Senate]
 4. Companion Bill – SB 2387, 211th Assem., 2nd Ann. Sess. (N.J. 2005): Permits voter registration up to 21 days before election; permits use of provisional ballot as voter registration; modifies information available on voter registration list [3/14/05 introduced; 6/20/05 amended on floor]
 - AB 39, 211th Assem., 2nd Ann. Sess. (N.J. 2005): increasing criminal penalties [3/7/05 introduced; 6/20/05 passed Assembly; 6/20/05 second reading in Senate]

5. Companion Bill – SB 2393, 211th Assem., 2nd Ann. Sess. (N.J. 2005): increasing criminal penalties [3/14/05 introduced; 6/20/05 substituted by AB 39]
- AB 38, 211th Assem., 2nd Ann. Sess. (N.J. 2005): adds political party affiliation to registration form [3/7/05 introduced; 6/20/05 passed Assembly; 6/20/05 second reading in Senate]
 6. Companion Bill – SB 2394, 211th Assem., 2nd Ann. Sess. (N.J. 2005): adds political party affiliation to registration form [3/14/05 introduced; 6/9/05 second reading in Senate]
- AB 2413, 211th Assem., 1st Ann. Sess. (N.J. 2005): implements portions of HAVA [2/24/05 introduced, referred to committee]
- AB 1612, 211th Assem., 1st Ann. Sess. (N.J. 2005): Permits person registering to vote to declare political affiliation on voter registration form [1/13/04 introduced, referred to committee]
- **Case law (from annotations):** none
- **Administrative regulations:** none as such, but there could be informal ones not on Attorney General's website (Chief Election Official).
- **What the law requires:**
 - **Is ID required?**
 7. **For registration:**
 - The voter must provide identification with his registration, his social security number or his driver's license number on his registration form or else the voter will be required to show identification at the polls prior to voting. N.J. Stat. Ann. § 19:15-17 (2005); N.J. Stat. Ann. § 19:31-5 (2005); N.J. Stat. Ann. § 19:31-6.4 (2005).
 8. **At polls:**
 - Signature comparison only. N.J. Stat. Ann. § 19:15-17 (2005); N.J. Stat. Ann. § 19:31-21 (2005).
 - **First time voters or all?**
 9. First time voters who register by mail. N.J. Stat. Ann. § 19:15-17 (2005); N.J. Stat. Ann. § 19:31-5 (2005); N.J. Stat. Ann. § 19:31-6.4 (2005).
 - **When?**
 10. Either at registration or at the polls. (HAVA). N.J. Stat. Ann. § 19:15-17 (2005); N.J. Stat. Ann. § 19:31-5 (2005); N.J. Stat. Ann. § 19:31-6.4 (2005).
 - **What types of ID?**
 11. (1) A current and valid photo identification card.
 12. (2) A current utility bill, bank statement, government check, or paycheck.
 13. (3) Any other government document that shows the voter's name and current address.
 14. (4) Other documents deemed acceptable by the Attorney General.
 15. N.J. Stat. Ann. § 19:15-17 (2005); N.J. Stat. Ann. § 19:31-5 (2005); N.J. Stat. Ann. § 19:31-6.4 (2005).
 - **State or federal elections?**
 16. Both. N.J. Stat. Ann. § 19:31-6.4 (2005).

- **Consequences of having no ID (provisional ballot v. regular ballot?)**
17. Provisional ballot. N.J. Stat. Ann. § 19:15-17 (2005).
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
18. Voter has two days after election to produce identification or else vote does not count. N.J. Stat. Ann. § 19:53C-3 (2005).
- **Challenge available at polls?**
19. Yes, candidates, the election board, and political parties may appoint poll challengers who can challenge voters at the polls. N.J. Stat. Ann. § 19:15-18 (2005).

MEMORANDUM

TO: Sara Sampson
FROM: Sarah Shive
DATE: August 21, 2005
RE: States for ID requirements chart: New Mexico

New Mexico

Summary:

New Mexico requires that when registering for the first time in New Mexico via mail, a voter must either submit a copy of current, valid photo identification, or a utility bill, bank statement, government check, paycheck, student identification card or other government document (including tribal identification) that shows the name and address of the applicant. N.M. Stat. Ann. §1-4-5.1(I)(4)(a). If the voter does not submit identification when registering, they will be required to present it when voting in person or absentee. N.M. Stat. Ann. §1-4-5.1(I)(4)(b).

At the polls, a voter must present identification, which may include current, valid photo identification, or a utility bill, bank statement, government check, paycheck, student identification card or other government document (including tribal identification) that shows the name and address of the applicant. N.M. Stat. Ann. §1-12-7.1(D). Alternatively, the voter may supply a verbal or written statement by the voter of the voter's name, year of birth and unique identifier, with no need to include their middle initial or suffix. N.M. Stat. Ann. §1-1-5.4(B). If a voter cannot provide such identification, they must vote provisionally, and provide the required voter identification to the county clerk's office before the county canvass begins, or to the precinct board before the polls close, for their vote to be counted. N.M. Stat. Ann. §1-12-7.1(D). If lines to vote exceed 45 minutes, however, any physical identification requirements not required by federal law may be suspended, and a voter may simply state their name, year of birth, and unique identifier. N.M. Stat. Ann. §1-12-10.2. If a voter cannot state their name, year of birth, and unique identifier, however, physical identification is still required, and it may also be required at the request of two or more precinct board members of different parties. *Id.*

- **Statutes:**

- **Passed:**

- §1-1-5.4 – 2005
 - §1-4-5.1 – 1978; 2005
 - §1-12-7.1 – 1953; 2005
 - §1-12-10.2 – 2005

- **Session law/recent legislation passed:**

- None.

- **Pending legislation:**

- **2005 NM H.B. 18:** proposes that all voters registering by mail must submit the required identification when voting in person or absentee. Also specifically enumerates tribal identification as an acceptable form of identification. (Jan. 19, 2005)

- **2005 NM S.B. 680:** proposes that a voter identification card or tribal identification be added as acceptable identification for submission when registering to vote by mail. (Mar. 2, 2005)
- **Case law (from annotations):**
 - None.
- **Administrative regulations:**
 - None.
- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - By mail: When registering for the first time in New Mexico via mail, a voter must submit either a copy of current, valid photo identification, or a utility bill, bank statement, government check, paycheck, student identification card or other government document (including tribal identification) that shows the name and address of the applicant. If the voter does not submit such identification, they will be required to provide identification at the polls.
 - At polls: A voter must present identification, which may include current, valid photo identification, or a utility bill, bank statement, government check, paycheck, student identification card or other government document (including tribal identification) that shows the name and address of the applicant. Alternatively, the voter may state their name, year of birth and unique identifier, with no need to include their middle initial or suffix.
 - **First time voters or all?**
 - All
 - **When?**
 - When registering to vote by mail, and at the polls before voting.
 - **What types of ID?**
 - When registering by mail: A voter must submit a copy of current, valid photo identification, or a utility bill, bank statement, government check, paycheck, student identification card or other government document (including tribal identification) that shows the name and address of the applicant.
 - At the polls: Before a voter may receive a ballot, they must present current photo identification showing their name, which may include a valid driver's license, a school photo identification card, or a tribal photo identification card. If they do not provide current photo identification, they may provide instead a current utility bill, bank statement, paycheck, notice of confirmation of voter registration, government check, or other government document that shows the elector's name and current address.
 - **State or federal elections?**
 - Both

- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - A voter with no identification or insufficient identification at the polling place must vote provisionally.
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - If a voter cannot provide identification, they must vote provisionally, and provide the required voter identification to the county clerk's office before the county canvass begins, or to the precinct board before the polls close, for their vote to be counted.
- **Challenge available at polls?**

Yes, under N.M. Stat. Ann. § 3-8-43.

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: June 23, 2005
RE: States for ID requirements chart: New York

New York

Summary:

New York does not require any identification beyond the HAVA requirements. N.Y. Elec. Law § 8-303 (2005). A new voter must either include his driver's license or social security number on his registration or provide identification at the polls or with his registration. *Id.* The types of identification permitted are the same as permitted under HAVA. *Id.* This requirement applies to state and federal elections. *Id.* Without identification, a first time voter who registered by mail may sign an affidavit and vote an affidavit ballot. *Id.* At the polls, all other voters must merely announce their name and address and sign the poll record. N.Y. Elec. Law § 8-302 (2005); N.Y. Elec. Law § 8-304 (2005).

Recently, a law was passed providing for the creation of a statewide voter registration list. 2005 N.Y. Laws Ch. 24. In addition, two relevant bills are pending. One provides that an affidavit ballot is also a valid application to register to vote. S. 2029, 228th Ann. Legis. Sess. (N.Y. 2005). The other implements HAVA identification provisions and other HAVA requirements. A. 121, 228th Ann. Legis. Sess. (N.Y. 2005).

- **Statutes:** N.Y. Elec. Law § 8-303 (2005).
 - **Passed:**
 - § 8-303 – 2004 [expires & is repealed July 1, 2005]
- **Session law/recent legislation passed:**
 - 2005 N.Y. Laws Ch. 24, sec. 1,2: creates a statewide voter registration list
 - Bills enacted: S. 3604, 228th Ann. Legis. Sess. (N.Y. 2005) (enacted) & A. 6733, 228th Ann. Legis. Sess. (N.Y. 2005) (enacted)
 - Passed May 3, 2005
- **Pending legislation:**
 - S. 2029, 228th Ann. Legis. Sess. (N.Y. 2005): Provides that an affidavit ballot submitted on election day at a polling place shall also constitute an application to register to vote. [2/8/05 introduced, referred to committee]
 - A. 121, 228th Ann. Legis. Sess. (N.Y. 2005): adds a new section implementing HAVA identification provisions; defines (broadly) the forms of identification which satisfy HAVA; adds identification requirement to registration form; implements statewide registration list; provides that an affidavit ballot is an application to register to vote; sets up system for affidavit ballot voters to ascertain if their ballot was counted [1/6/05 introduced; 1/25/05 passed Assembly; 1/25/05 referred to committee in Senate]
- **Case law (from annotations):**
 - ***Gross v. Albany County Bd. of Elections*, 781 N.Y.S.2d 172 (N.Y. App. Div. 3 Dept. 2004):** Affidavit on ballot signed by the voter, acknowledging that any false statement was punishable according to law, complied with requirements of law

setting forth requirements for allowing voter to vote despite lack of registration poll record, despite failure of election inspector to witness voter's signature.

- ***Marraccini v. Balancia*, 582 N.Y.S.2d 232 (N.Y. App. Div. 2 Dept. 1992):** Affidavit ballots cast in general election for office of town mayor were invalid and should not have been counted, insofar as voters did not attempt to vote in election district for their address or were not registered on date of election.
- ***McClure v. D'Apice*, 497 N.Y.S.2d 770 (N.Y. App. Div. 2 Dept. 1986):** Vote of affidavit voter, who did not properly complete address portion of affidavit as required under Election Law § 8-302, subd. 3(f)(ii), would not be counted.
- ***Conroy v. Levine*, 479 N.Y.2d 187 (N.Y. App. Div. 2 Dept. 1984):** New election, after the fact, for village trusteeships was not warranted where there has been no showing of fraud or misconduct on the part of the inspectors of election or that any ineligible voter actually voted, and where the ten voters who were denied the opportunity to vote because no registration poll record could be found for them failed to avail themselves of the remedy of obtaining a court order on election day, when Justices of the Supreme Court were available for such purposes.
- ***People ex. rel. Borgia v. Doe*, 96 N.Y.S. 389 (N.Y. App. Div. 1 Dept. 1905):** The fact that some other person had voted on a registered elector's name did not deprive the elector of the right to insist that he be given a ballot and be permitted to vote, on complying with the requirements of the former Election Law of 1896.
- **Administrative regulations:** none
- **What the law requires:**
 - **Is ID required?**
 - **For registration/polls for new registrants:**
 - Same as HAVA – must have identification at registration or at polls or have included their driver's license number or social security number on registration form. N.Y. Elec. Law § 8-303 (2005).
 - **At polls/other voters:**
 - Announce name and address and sign poll record. N.Y. Elec. Law § 8-302 (2005); N.Y. Elec. Law § 8-304 (2005).
 - **First time voters or all?**
 - First time voters only. N.Y. Elec. Law § 8-303 (2005).
 - **When?**
 - Either at registration or at polls. N.Y. Elec. Law § 8-303 (2005).
 - **What types of ID?**
 - Current and valid photo identification
 - OR
 - Current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter
 - N.Y. Elec. Law § 8-303 (2005).
 - **State or federal elections?**
 - Both. Statute implementing HAVA does not make any distinction. N.Y. Elec. Law § 8-303 (2005). Also, voter registration form does not have any limitation on identification requirement limiting it to federal elections only. Voter registration form, at <http://www.elections.state.ny.us/download/voting/voteform.pdf>.

- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Affidavit ballot. N.Y. Elec. Law § 8-303 (2005).
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Affidavit. N.Y. Elec. Law § 8-303 (2005).
- **Challenge available at polls?**
 - Yes, a voter may be challenged at the polls by any inspector, clerk, appointed watcher, or registered voter. N.Y. Elec. Law § 8-502 (2005).

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: June 27, 2005
RE: States for ID requirements chart: North Carolina

North Carolina

Summary:

Presently, North Carolina does not require identification beyond HAVA. N.C. Gen. Stat. § 163-166.12 (2005). A voter who registered by mail and is voting for the first time must present identification at the polls. *Id.* A voter is exempt if he or she provided identification with his/her registration or provided the last four digits of his/her social security number or driver's license number on the registration form. *Id.* The forms of acceptable identification are the same as permissible under HAVA. *Id.* Without identification, these voters may execute an affidavit and vote a provisional ballot. N.C. Gen. Stat. § 163-166.12 (c) (2005); N.C. Gen. Stat. § 163-166.11 (2005). Other voters must merely state their name and current address prior to voting. N.C. Gen. Stat. § 163-166.7 (2005).

North Carolina recently passed a bill making it clear that new laws enacted to implement HAVA were intended to apply broadly to state and federal elections alike. 2005 N.C. Sess. Laws 2005-2. There are also two bills pending which concern voter identification. One would require all voters at the polls to provide a current photo identification *and* a copy of a utility bill, bank statement, government check, paycheck, or other government document with the voter's name and current address. H794, 2005-2006 Sess. (N.C. 2005). The other would require identification (of the same types permissible under HAVA) of all voters at the polls. H1446, 2005-2006 Sess. (N.C. 2005).

- **Statutes:** N.C. Gen. Stat. § 163-166.12 (2005).
 - **Passed:** 2003
- **Session law/recent legislation passed:**
 - 2005 N.C. Sess. Laws 2005-2: HAVA compliant laws/system in North Carolina should be broadly construed to apply to state and federal elections. [3/2/05 signed by governor]
- **Pending legislation:**
 - H794, 2005-2006 Sess. (N.C. 2005): requires all voters to provide at the polls a current and valid photo identification *and* a copy of one of the following documents that shows the name and address of the voter: a current utility bill, bank statement, government check, paycheck, or other government document. [3/17/05 introduced and referred to committee]
 - H1446, 2005-2006 Sess. (N.C. 2005): requires identification (same types as HAVA) of all voters in all elections. [4/21/05 introduced and referred to committee]
- **Case law (from annotations):** none
- **Administrative regulations:** none

- **What the law requires:**
 - **Is ID required?**
 - **HAVA / at registration or at polls:**
 - Must present identification either at polls or at registration or provide the last four digits of his/her social security number or driver's license number on registration form. N.C. Gen. Stat. § 163-166.12 (2005).
 - **All voters at polls:**
 - State name and current residence address. N.C. Gen. Stat. § 163-166.7 (2005).
 - **First time voters or all?**
 - First time voters who registered by mail only. N.C. Gen. Stat. § 163-166.12 (a) (2005).
 - **When?**
 - Either at registration or at polls. N.C. Gen. Stat. § 163-166.12 (2005).
 - **What types of ID?**
 - Current and valid photo identification.
 - OR
 - A current utility bill, bank statement, government check, paycheck, or other government document.
 - N.C. Gen. Stat. § 163-166.12 (a) (2005).
 - **State or federal elections?**
 - Both. Legislature confirmed in 2005 that the enactments implementing HAVA were intended to make the rules the same for state and federal elections. 2005 N.C. Sess. Laws 2005-2.
 - Also voter registration form contains notice of identification requirement with no distinction between federal and state elections.
 - **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - May vote provisionally. N.C. Gen. Stat. § 163-166.12 (c) (2005).
 - **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Affidavit. N.C. Gen. Stat. § 163-166.11 (2005).
 - **Challenge available at polls?**
 - Yes, by any registered voter. N.C. Gen. Stat. § 163-87 (2005).

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: June 28, 2005
RE: States for ID requirements chart: North Dakota

North Dakota

Summary:

North Dakota's election laws are unique in that North Dakota does not require registration. Consequently, it is exempt from HAVA's identification and provisional voting provisions and also from the NVRA. North Dakota requires identification of all voters at the polls. In March of 2005, the legislature modified the voter identification requirements for voters at the polls. 2005 N.D. Laws 183, sec. 1, § 16.1-05-07. Previously, voters were required to show identification with their birth date and picture prior to voting. N.D. Cent. Code § 16.1-05-07 (2005). The new bill requires identification with the voter's address and date of birth. 2005 N.D. Laws 183, sec. 1, § 16.1-05-07. The Secretary of State has yet to advise voters on what identifications fulfill this new requirement. However, both the newer and earlier version of this statute permit a voter who is known to election officials to recite his date of birth and have the official vouch for his identity. N.D. Cent. Code § 16.1-05-07 (2005); 2005 N.D. Laws 183, sec. 1, § 16.1-05-07.

Without identification and without an election official to vouch for the voter, a voter will likely be challenged. N.D. Cent. Code § 16.1-05-07 (2005); N.D. Cent. Code § 16.1-05-06 (2005); *see also* Alvin Jaeger, Secretary of State, 2004 Election Officials' Manual (2004), <http://www.state.nd.us/sec/forms/pdf/election-offic-manual.pdf>. The voter may then execute an affidavit and vote a regular ballot. N.D. Cent. Code § 16.1-05-06 (2005).

There is a bill pending in the House which would eliminate the identification requirement entirely for voters that election officials personally know. HB 1405, 59th Legis. Assem. (2005).

- **Statutes:** N.D. Cent. Code § 16.1-05-07 (2005).
 - **Passed:**
 - 2003
- **Session law/recent legislation passed:**
 - 2005 N.D. Laws 183, sec. 1, § 16.1-05-07: amended § 16.1-05-07 to require identification containing address and date of birth rather than picture identification. [3/23/05 signed by governor]
 - Bill: HB 1254
- **Pending legislation:**
 - HB 1405, 59th Legis. Assem. (2005): no identification necessary for voters personally known to election officials. [2/15/05 failed to pass House]
- **Case law (from annotations):** none
- **Administrative regulations:** none
- **What the law requires:**
 - **Note:**
 - North Dakota is exempt from HAVA identification and provisional voting requirements because it does not require registration. Secretary of State, Al

Jaeger, North Dakota HAVA Plan (2004), <http://www.state.nd.us/hava/documents/docs/2004-final-state-plan.pdf>.

○ **Is ID required?**

At polls:

▪ **PRIOR LAW:**

- Must show driver's license, form of identification with photo and birth date, or any other form of identification permitted by the Secretary of State (see below for forms okay under this previous provision). N.D. Cent. Code § 16.1-05-07 (2005).
 - Exception: voter states his date of birth and a poll worker can personally vouch for him. N.D. Cent. Code § 16.1-05-07 (2005).

▪ **RECENT BILL PASSED:**

- Must show identification with the voter's address and date of birth. 2005 N.D. Laws 183, sec. 1, § 16.1-05-07.
 - Bill maintains the exception described above. *Id.*

○ **First time voters or all?**

- All voters. No registration, so all voters are the same. However, some precincts maintain lists of voters that have voted in past elections. The voters appearing on this list are less likely to be challenged.

○ **When?**

- At polls. 2005 N.D. Laws 183, sec. 1, § 16.1-05-07.

○ **What types of ID?**

- **PRIOR LAW:** valid drivers license; valid state identification card; valid federally issued identification card, including: (1) passport (2) agency identification card; valid tribal identification card; valid student identification card; valid US military identification card; utility bill dated thirty days prior to election day with name and residential address; or change of address verification letter from the US Postal Service. *Id* Requirements, *available at* <http://www.state.nd.us/hava/education/doc/id-requirements.pdf>.
- **RECENT BILL PASSED:** official form of identification issued by the State, official identification issued by a tribal government, form of identification prescribed by Secretary of State, or any combination of the previous three. 2005 N.D. Laws 183, sec. 1, § 16.1-05-07.

○ **State or federal elections?**

- Both. 2005 N.D. Laws 183, sec. 1, § 16.1-05-07.

○ **Consequences of having no ID (provisional ballot v. regular ballot?)**

- Not specific, but if the voter is not personally known to election officials, he will probably be challenged. A challenged voter must execute an affidavit. The voter votes a regular ballot. N.D. Cent. Code § 16.1-05-07 (2005); N.D. Cent. Code § 16.1-05-06 (2005); *see also* Alvin Jaeger, Secretary of State, 2004 Election Officials' Manual (2004), <http://www.state.nd.us/sec/forms/pdf/election-offic-manual.pdf>.

○ **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**

- Affidavit if he is challenged. N.D. Cent. Code § 16.1-05-06 (2005).

- **Challenge available at polls?**
 - Yes. Poll challengers permitted at polls. Election board members may challenge. N.D. Cent. Code § 16.1-05-06 (2005).

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: June 29, 2005
RE: States for ID requirements chart: Ohio

Ohio

Summary:

Ohio has little formal law on voter identification. All voters are required to announce their name and address and sign the poll book, which is then compared to the voter registration card. Ohio Rev. Code Ann. § 3505.18 (2004). For voters who registered by mail and are voting for the first time in a federal election only the federal HAVA requirements apply. J. Kenneth Blackwell, Secretary of State, Ohio Voter Information Guide (2005), *available at* <http://serform.sos.state.oh.us/sos/pubAffairs/elections/voteGuide.pdf>. Ohio has not enacted a law incorporating the HAVA requirements into state law, thus the requirement only applies in federal elections, as required by the federal law. Ohio Secretary of State's website, <http://serform.sos.state.oh.us/sos/index.html>. All requirements are exactly what is required under federal law.

Ohio is considering several bills which would change voter identification requirements. SB 3 and HB 3 would enact the HAVA identification requirements for all elections. SB 3, 126th Gen. Assem., Reg. Sess. (Ohio 2005); HB 3, 126th Gen. Assem., Reg. Sess. (Ohio 2005). SB 36 would limit HAVA to voters who registered by mail voting for the first time in a federal election and apply a photo identification requirement to all other voters. SB 36, 126th Gen. Assem., Reg. Sess. (Ohio 2005). HB 129 would eliminate election day challenges. HB 129, 126th Gen. Assem., Reg. Sess. (Ohio 2005)

- **Statutes:** Ohio Rev. Code Ann. § 3505.18 (2004). [There is no statute implementing HAVA]
 - **Passed:**
 - § 3505.18 – at least since 1991.
- **Session law/recent legislation passed:** none
- **Pending legislation:**
 - SB 3, 126th Gen. Assem., Reg. Sess. (Ohio 2005): applies HAVA identification requirements to all elections. [1/24/05 in committee]
 - HB 3, 126th Gen. Assem., Reg. Sess. (Ohio 2005): adds identification requirement to voter registration form; if notification postcard returned, the voter must show identification at the polls; codifies HAVA identification provisions; provides provisional ballots for those without identification; requires voter who votes provisionally to return within ten days with identification. [5/17/05 passed House; second reading in Senate, in Senate committee]
 - SB 36, 126th Gen. Assem., Reg. Sess. (Ohio 2005): enacts HAVA requirements for elections for federal office only; photo identification requirement for all voters not subject to HAVA. [1/26/05 introduced and referred to committee]
 - HB 129, 126th Gen. Assem., Reg. Sess. (Ohio 2005): eliminates challenges on election day. [3/15/05 introduced, referred to committee]
- **Case law (from annotations):** none

- **Administrative regulations:** none
- **What the law requires:**
 - **Is ID required?**
 - **For registration/polls/HAVA:**
 - New registrants who register by mail are required to provide identification either with the registration or at the polls unless the voter provided his/her current driver's license number or the last four digits of his/her social security number on the registration form. J. Kenneth Blackwell, Secretary of State, Ohio Voter Information Guide (2005), *available at* <http://serform.sos.state.oh.us/sos/pubAffairs/elections/voteGuide.pdf>.
 - **At polls/all voters:**
 - Announce name and address and sign poll book, which is compared to registration. Ohio Rev. Code Ann. § 3505.18 (2004).
 - **First time voters or all?**
 - First time voters who register by mail. J. Kenneth Blackwell, Secretary of State, Ohio Voter Information Guide (2005), *available at* <http://serform.sos.state.oh.us/sos/pubAffairs/elections/voteGuide.pdf>.
 - **When?**
 - At registration or at polls.
 - **What types of ID?**
 - A copy of a current and valid photo identification OR a copy of a current utility bill, bank statement, paycheck, government check, or other government document showing name and address. J. Kenneth Blackwell, Secretary of State, Ohio Voter Information Guide (2005), *available at* <http://serform.sos.state.oh.us/sos/pubAffairs/elections/voteGuide.pdf>.
 - Ohio liberally construes identification requirements allowing “any reasonable means of identification such as utility bills, rent receipts or any legal or quasi-legal instrument that bears the name and address of the prospective voter.” Changing the Election Landscape in the State of Ohio: A State Plan to Implement the Help America Vote Act of 2002 in Accordance with Public Law 107-252, §253(b) (2005), *available at* <http://serform.sos.state.oh.us/sos/hava/files/StatePlan12005.pdf>.
 - **State or federal elections?**
 - Federal only. Secretary of State's webpage repeatedly refers to HAVA requirements applying “for persons registering by mail and voting for the first time in a ***federal*** election.” Ohio Secretary of State's website, <http://serform.sos.state.oh.us/sos/index.html> (emphasis added).
 - Also, there is no statute or administrative regulation implementing HAVA, thus only the federal law applies.
 - **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Same as federal law, provisional ballot.
 - **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - None.

- **Challenge available at polls?**
 - Yes, by any challenger, voter properly in the polling place, or election judge. Ohio Rev. Code Ann. § 3505.20 (2004).

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: June 29, 2005
RE: States for ID requirements chart: Oklahoma

Oklahoma

Summary:

Oklahoma does not require anything beyond the federal requirements of HAVA for voter identification. Okla. Stat. Ann. tit. 26, § 7-115.2 (2004). Voters who registered by mail and are voting for the first time in a federal election are required to produce identification if they did not produce it at registration. *Id.* The types of identification are identical to the forms permitted under HAVA except for the addition of a voter registration card. *Id.* Without proper identification, the voter may vote a provisional ballot. Okla. Stat. Ann. tit. 26, § 7-115.2 (2004); Okla. Stat. Ann. tit. 26, § 7-116.1 (2004). All other voters must merely announce their name and sign the precinct register prior to voting. Okla. Stat. Ann. tit. 26, § 7-114 (2004); Okla. Stat. Ann. tit. 26, § 7-117 (2004).

There are several bills pending concerning voter identification. HB 1373, HB 1487, and HB 1528 require photo identification prior to voting, but allow voters to execute an affidavit as an alternative. HB 1373, 50th Legis Sess., 1st Sess. (Okla. 2005); HB 1487, 50th Legis Sess., 1st Sess. (Okla. 2005); HB 1528, 50th Legis Sess., 1st Sess. (Okla. 2005). SB 456 would require voters to show a voter identification card prior to voting. SB 456, 50th Legis Sess., 1st Sess. (Okla. 2005). SB 298 and SB 791 would require proof of identity (government issued photo identification) at the polls. SB 298, 50th Legis Sess., 1st Sess. (Okla. 2005); SB 791, 50th Legis Sess., 1st Sess. (Okla. 2005). All of these bills are currently in committee, but HB 1487 has passed the House and is in committee in the Senate.

- **Statutes:** Okla. Stat. Ann. tit. 26, § 7-115.2 (2004).
 - **Passed:**
 - § 7-115.2 – 2004
- **Session law/recent legislation passed:** none
- **Pending legislation:**
 - HB 1373, 50th Legis Sess., 1st Sess. (Okla. 2005): requiring photo identification at the polls; voters may execute an affidavit as an alternative. [2/8/05 in committee]
 - HB 1487, 50th Legis Sess., 1st Sess. (Okla. 2005): requiring photo identification at the polls; voters may execute an affidavit as an alternative. [3/16/05 passed House; 3/28/05 in Senate committee]
 - HB 1528, 50th Legis Sess., 1st Sess. (Okla. 2005): requiring photo identification at the polls; voters may execute an affidavit as an alternative. [2/8/05 in committee]
 - SB 298, 50th Legis Sess., 1st Sess. (Okla. 2005): requiring proof of identity at the polls, this includes: driver's license, passport, state identification card, or photocopy of the previous three. [2/8/05 in committee]

- SB 456, 50th Legis Sess., 1st Sess. (Okla. 2005): requiring voters to present a voter identification card prior to voting. [2/8/05 in committee]
- SB 791, 50th Legis Sess., 1st Sess. (Okla. 2005): requiring proof of identity at the polls, this includes: voter identification card, driver's license, passport, state identification card, or photocopy of the previous four. [2/8/05 in committee]
- **Case law (from annotations):** none
- **Administrative regulations:** none
- **What the law requires:**
 - **Is ID required?**
 - **For registration/at polls/HAVA requirements:**
 - Registered voters who submitted applications for new voter registration by mail who are voting for the first time in a federal election are required to produce identification. Okla. Stat. Ann. tit. 26, § 7-115.2 (2004).
 - **At polls/all voters:**
 - Announce name and sign in precinct register. Okla. Stat. Ann. tit. 26, § 7-114 (2004); Okla. Stat. Ann. tit. 26, § 7-117 (2004).
 - **First time voters or all?**
 - First time voters who registered by mail. Okla. Stat. Ann. tit. 26, § 7-115.2 (2004).
 - **When?**
 - Either at registration or at polls. Okla. Stat. Ann. tit. 26, § 7-115.2 (2004).
 - **What types of ID?**
 - Current and valid photo identification
 - Voter identification card (addition from HAVA)
 - copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the voter's name and address
 - Okla. Stat. Ann. tit. 26, § 7-115.2 (2004).
 - **State or federal elections?**
 - Possibly federal only. Statute says "when they vote for the first time in a federal election." Okla. Stat. Ann. tit. 26, § 7-115.2 (2004).
 - Probably both, since no distinction made on voter registration form. State of Oklahoma Voter Registration Form, at <http://www.state.ok.us/~elections/vrform.pdf>.
 - **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Provisional ballot for all elections and issues. Okla. Stat. Ann. tit. 26, § 7-115.2 (2004); Okla. Stat. Ann. tit. 26, § 7-116.1 (2004).
 - **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - None, but vote only counts if election board can verify the voter's identity. Okla. Stat. Ann. tit. 26, § 7-116.1 (2004).
 - **Challenge available at polls?**
 - No. Election website does not mention challenges, and there are no administrative regulations or statutes allowing for challenge at the polls.

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: June 30, 2005
RE: States for ID requirements chart: Oregon

Oregon

Summary:

Oregon is unique in its election law. Since 2000, Oregon has conducted even Presidential elections by mail. Consequently, the identification requirements of HAVA are modified to accommodate vote-by-mail. Oregon does not require any identification beyond the HAVA requirements. First time voters who registered by mail must provide identification (same forms as HAVA) with their registration, upon request after registration, or with their ballot. Secretary of State, Bill Bradbury, Oregon Elections Plan: To Implement the Help America Vote Act of 2002, 22-23 (2003), http://www.uhavavote.org/pdf/state_plan.pdf. Without identification, a voter may still vote for state and local elections as normal. Secretary of State Letter dated December 26, 2002, *at* http://www.sos.state.or.us/elections/votreg/hava_nr.pdf. For federal elections, their ballot is considered a provisional ballot, and if their eligibility can be verified, their ballot will count. Secretary of State, Bill Bradbury, Oregon Elections Plan: To Implement the Help America Vote Act of 2002, 22-23 (2003), http://www.uhavavote.org/pdf/state_plan.pdf.

Obviously, there is no identification requirement for other voters, as they are permitted to vote by mail; however, for all voters, the signature on their ballot envelope is compared to the signature on their registration card.

There are two bills pending which concern voter identification. HB 2583 and 2841 would both require proof of citizenship at registration in the form of a passport, birth certificate, or naturalization document. HB 2583, 73rd Legis. Assem. (Or. 2005); HB 2841, 73rd Legis. Assem. (Or. 2005). HB 2583 has passed the House and is pending in the Senate.

- **Statutes:** none concerning voter identification.
- **Session law/recent legislation passed:** none
- **Pending legislation:**
 - HB 2583, 73rd Legis. Assem. (Or. 2005): voters must provide proof of citizenship (passport, birth certificate, naturalization documents) with registration [5/19/05 passed House, 5/27/05 in Senate committee]
 - HB 2841, 73rd Legis. Assem. (Or. 2005): voters must provide proof of citizenship (passport, birth certificate, naturalization documents) with registration [3/11/05 in committee]
- **Case law (from annotations):** none
- **Administrative regulations:** none concerning voter identification.
- **What the law requires:**
 - **Is ID required?**
 - **First time voters:**

- HAVA requirements, same identification forms. Voting in Oregon Guide, <http://www.uhavavote.org/votingguide/register.html#where>.
- **At polls/all voters:**
 - None, vote by mail, so voters do not attend polls.
 - Signature on envelope is checked against registration when ballot returned.
- **First time voters or all?**
 - First time voters who register by mail. Voting in Oregon Guide, <http://www.uhavavote.org/votingguide/register.html#where>.
- **When?**
 - At registration, after request to provide identification after registration received, or with mailed ballot. Secretary of State, Bill Bradbury, Oregon Elections Plan: To Implement the Help America Vote Act of 2002, 22-23 (2003), http://www.uhavavote.org/pdf/state_plan.pdf.
- **What types of ID?**
 - Must have name and address, acceptable forms include:
 - valid photo identification (such as a driver's license)
 - a paycheck stub
 - a utility bill
 - a bank statement
 - a government document (with name and address of the voter)
 - Voter registration form, at <http://www.sos.state.or.us/elections/votreg/sel500.pdf>
- **State or federal elections?**
 - Federal only. Without identification, a voter may still vote as normal in state and local elections. Secretary of State Letter dated December 26, 2002, at http://www.sos.state.or.us/elections/votreg/hava_nr.pdf.
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Provisional ballot as to the federal elections only. Secretary of State, Bill Bradbury, Oregon Elections Plan: To Implement the Help America Vote Act of 2002, 22-23 (2003), http://www.uhavavote.org/pdf/state_plan.pdf.
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - If the election officials cannot verify the voter's eligibility to vote, no vote for federal office. May still vote for state and local offices as normal. Secretary of State, Bill Bradbury, Oregon Elections Plan: To Implement the Help America Vote Act of 2002, 22-23 (2003), http://www.uhavavote.org/pdf/state_plan.pdf.
- **Challenge available at polls?**
 - Yes, when election conducted at polling places, voters may be challenged by election board clerks or any voter. Or. Rev. Stat. § 254.419 (2003).
- **Miscellaneous:**

- Has election by mail for all elections on the general election date or primary date. (began in 1998

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: July 1, 2005
RE: States for ID requirements chart: Pennsylvania

Pennsylvania

Summary:

Currently, all first time voters must produce either photo identification or an alternative identification with their name and address prior to voting at the polls. Pa. Stat. Ann. tit. 25, § 3050 (2004). Without either form of identification, the voter must sign an affidavit and cast a provisional ballot. *Id.* This identification requirement is stricter than HAVA; all first time voters must produce identification, regardless of the method of registration. *Id.* It is also stricter than HAVA in that the identification must be produced at the polls, and providing identification at registration does not exempt the voter from the requirement. *Id.* The requirement applies to both state and federal elections. The forms of identification are similar to HAVA and include a wide array of forms of identification. *Id.*

Pennsylvania's election law concerning first time voters voting in person will change slightly after October 8, 2005. 2004 Pa. Stat. Ann. tit. 25, § 3050 (2004); 2004 Pa. Laws 97. After October 8, election officers must sign an affidavit attesting to the fact that the voter's identification was actually examined, and a procedure for challenging provisional ballots will go into effect. *Id.*

Voters who vote absentee for the first time and registered by mail are only subject to the HAVA requirements and only if they registered by mail. Commonwealth of Pennsylvania, State Plan As Amended, As Required by Public Law 107-252, The Help America Vote Act of 2002, 28, [http://www.hava.state.pa.us/hava/lib/hava/stateplan/2004_state_plan_\(elements_6_10__12_to_be_sent_to_eac\)--approved_\(08-13-04\)1.doc](http://www.hava.state.pa.us/hava/lib/hava/stateplan/2004_state_plan_(elements_6_10__12_to_be_sent_to_eac)--approved_(08-13-04)1.doc).

- **Statutes:** Pa. Stat. Ann. tit. 25, § 3050 (2004).
 - **Passed:**
 - § 3050 – 2002, amended in 2004 with changes effective on 10/8/05.
- **Session law/recent legislation passed:**
 - 2004 Pa. Laws 97: amends § 3050, effective October 8, 2005, requires election official to sign an affidavit that identification was examined; changes provisional balloting procedure.
 - SB 346
- **Pending legislation:** none
- **Case law (from annotations):**
 - *In re Second Legislative Dist. Election*, 4 Pa. D. & C.2d 93 (1955): A vote cast by a voter in her maiden name, after her marriage and the death of her husband, without any change in her registration, although irregular and contrary to instructions, will be counted where there is no question of identity.
 - *In re Morganroth Election Contest*, 50 Pa. D. & C. 143 (1944): In the absence of fraudulent intent on the part of the voter or of the election officers

or of any conspiracy between them, the failure of an election board to require each elector desiring to vote first to sign a voter's certificate, and to compare the signature on such certificate with the elector's signature in the district register, is a mere irregularity not warranting rejection of entire vote cast in district.

- *Commw. v. Albert*, 30 A.2d 184 (Pa. Super. Ct. 1943): Each member of election board must be on guard to prevent any form of fraud or irregularity that would interfere with a fair election, and if irregularity or fraud being perpetrated in course of election is detected, appropriate action should be taken immediately to stop such misconduct. Election inspector having numbered list of voters and record of those who assisted voters and inspector whose duties included comparing signatures of those desiring to vote were under a duty to prevent persons not registered as qualified electors from signing the names of electors to voters' certificates
- *In re General Election in City and County of Philadelphia on November 8, 1938*, 2 A.2d 301 (Pa. 1938): Where city registration commissioners and their agents failed properly to file registration cards in the election districts in which electors resided, substitution of affidavits to duplicate original registration forms for missing registration cards would not be authorized, but voters could establish their right to vote by secondary evidence before judges qualified to sit in the common pleas. The requirement of this section that voter's registration card be in the district register of voter's election district is a mere aid in the proof of the existence of the record showing voter's qualifications, as a part of a public record. The rule that contents of a lost or missing record may be proved by secondary evidence is applicable to registration cards showing voter's qualifications.
- **Administrative regulations:** none
- **What the law requires:**
 - **Is ID required?**
 - **First time voters:**
 - UNTIL OCT 8:
 - All first time voters must produce photo identification prior to voting at the polls. Pa. Stat. Ann. tit. 25, § 3050 (a) (2004).
 - If the voter has no photo identification, they must produce alternative identification with name and address. Pa. Stat. Ann. tit. 25, § 3050 (a.1) (2004).
 - If no identification at all, the voter must sign an affidavit and cast a provisional ballot. Pa. Stat. Ann. tit. 25, § 3050 (a.2), (a.4)(2) (2004).
 - AFTER OCT 8 (changes underlined):
 - All first time voters must produce photo identification prior to voting at the polls, and election officer must sign affidavit that the identification was examined. Pa. Stat. Ann. tit. 25, § 3050 (a) (2004).

- If the voter has no photo identification, they must produce alternative identification with name and address, and election officer must sign affidavit that the identification was examined. Pa. Stat. Ann. tit. 25, § 3050 (a.1) (2004).
 - If no identification at all, the voter must sign an affidavit and cast a provisional ballot. Pa. Stat. Ann. tit. 25, § 3050 (a.2), (a.4)(2) (2004).
 - Procedure for challenging provisional ballots goes into effect on Oct. 8. Pa. Stat. Ann. tit. 25, § 3050 (a.4)(4) (2004).
- **All voters:**
 - All voters must sign a voter's certificate, and their signature is compared with the signature on file. Pa. Stat. Ann. tit. 25, § 3050 (a.3) (2004).
- **First time voters or all?**
 - First time voters in the county or voters that have moved within the county – all who are new registrants who vote in person, not just those who registered by mail. Pa. Stat. Ann. tit. 25, § 3050 (a)-(a.2) (2004); Pennsylvania Voter Guide, 3, <http://www.dos.state.pa.us/voting/lib/voting/guide/engguide.pdf>.
 - Absentee voters who vote for the first time must submit identification either with their registration or with their ballot if they registered by mail only. Commonwealth of Pennsylvania, State Plan As Amended, As Required by Public Law 107-252, The Help America Vote Act of 2002, 28, [http://www.hava.state.pa.us/hava/lib/hava/stateplan/2004_state_plan_\(elements_6_10_12_to_be_sent_to_eac\)--approved_\(08-13-04\)1.doc](http://www.hava.state.pa.us/hava/lib/hava/stateplan/2004_state_plan_(elements_6_10_12_to_be_sent_to_eac)--approved_(08-13-04)1.doc).
- **When?**
 - At polls for voters who vote in person. Pa. Stat. Ann. tit. 25, § 3050 (a) (2004); Commonwealth of Pennsylvania, State Plan As Amended, As Required by Public Law 107-252, The Help America Vote Act of 2002, 28, [http://www.hava.state.pa.us/hava/lib/hava/stateplan/2004_state_plan_\(elements_6_10_12_to_be_sent_to_eac\)--approved_\(08-13-04\)1.doc](http://www.hava.state.pa.us/hava/lib/hava/stateplan/2004_state_plan_(elements_6_10_12_to_be_sent_to_eac)--approved_(08-13-04)1.doc).
 - At either registration or with ballot for absentee voters. Commonwealth of Pennsylvania, State Plan As Amended, As Required by Public Law 107-252, The Help America Vote Act of 2002, 28, [http://www.hava.state.pa.us/hava/lib/hava/stateplan/2004_state_plan_\(elements_6_10_12_to_be_sent_to_eac\)--approved_\(08-13-04\)1.doc](http://www.hava.state.pa.us/hava/lib/hava/stateplan/2004_state_plan_(elements_6_10_12_to_be_sent_to_eac)--approved_(08-13-04)1.doc).
- **What types of ID?**
 - UNTIL OCT 8, 2005 & AFTER OCT. 8 – photo identification (types of identification are the same):
 - Valid driver's license or identification card issued by Department of Transportation

- Valid identification card issued by another State agency
- Valid identification issued by federal government
- Valid passport
- Valid student identification card
- Valid employee identification card
- Valid military identification card
- Pa. Stat. Ann. tit. 25, § 3050 (a) (2004).
- UNTIL OCT. 8 & AFTER OCT. 8 – alternative identification types:
 - Nonphoto identification issued by PA or agency of
 - Voter identification card – not in statute but listed as acceptable form on website. Pennsylvania Department of State Website, <http://www.hava.state.pa.us/hava/cwp/view.asp?a=1189&q=442312>
 - Nonphoto identification issued by federal government
 - Firearm permit
 - Current utility bill
 - Current bank statement
 - Paycheck
 - Government check
 - Pa. Stat. Ann. tit. 25, § 3050 (a.1) (2004).
- **State or federal elections?**
 - Both. Pa. Stat. Ann. tit. 25, § 3050 (2004).
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Provisional ballot. Pa. Stat. Ann. tit. 25, § 3050 (a.2) (2004).
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Affidavit. Pa. Stat. Ann. tit. 25, § 3050 (a.4)(2) (2004).
- **Challenge available at polls?**
 - Yes. Pa. Stat. Ann. tit. 25, § 2685 (2004); Pa. Stat. Ann. tit. 25, § 2687 (2004); Pa. Stat. Ann. tit. 25, § 3528 (2004).

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: July 1, 2005
RE: States for ID requirements chart: Rhode Island

Rhode Island

Summary:

Rhode Island does not require any identification of voters by State law. State law requires that voters state their name and address and sign a ballot application. R.I. Gen. Laws § 17-19-24 (2004). The only identification requirements that apply to voters are the federal HAVA requirements for first time voters who register by mail. It appears, however, from Rhode Island's election website that Rhode Island extends the requirement to all elections, not just federal elections. Rhode Island Voter Registration Form, <http://www.elections.state.ri.us/docs/VR6-04.pdf>. Without identification, voters may vote a provisional ballot, as required by federal law. Rhode Island Board of Elections: Frequently Asked Questions, <http://www.elections.state.ri.us/frequent.htm>.

There is a bill pending in the House which would require voters to present either one form of identification with the name, address, and photo of the voter or two forms of identification with the name and address of the voter. HB 5976, 2005-2006 Legis. Sess. (R.I. 2005).

- **Statutes:** R.I. Gen. Laws § 17-19-24 (2004). [But no statute implementing HAVA requirements]
 - **Passed:**
 - § 17-19-24 – at least since 1994 – probably a lot longer
- **Session law/recent legislation passed:** none
- **Pending legislation:**
 - HB 5976, 2005-2006 Leg. Sess. (R.I. 2005): requiring all voters to present one form of identification with the name, address, and photo of the voter or two forms with the name and address of the voter. [3/23/05 Committee hearing]
- **Case law (from annotations):** none
- **Administrative regulations:** none, and has no administrative code.
- **What the law requires:**
 - **Is ID required?**
 - **For registration or polls/HAVA:**
 - First time voters who mailed their registration must provide identification either at polls or at registration – HAVA requirement. (no state statute) Rhode Island Board of Elections: Registering to Vote, <http://www.elections.state.ri.us/registration/intro.htm>; Rhode Island Voter Registration Form, <http://www.elections.state.ri.us/docs/VR6-04.pdf>.

- **At polls/all voters:**
 - All voters must state their name and address at the polls and sign their name on a ballot application. R.I. Gen. Laws § 17-19-24 (2004).
- **First time voters or all?**
 - First time voters who mail their registration. Rhode Island Board of Elections: Registering to Vote, <http://www.elections.state.ri.us/registration/intro.htm>; Rhode Island Voter Registration Form, <http://www.elections.state.ri.us/docs/VR6-04.pdf>.
- **When?**
 - Registration or polls. Rhode Island Board of Elections: Registering to Vote, <http://www.elections.state.ri.us/registration/intro.htm>.
- **What types of ID?**
 - Either a copy of a current and valid photo identification OR a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows the voter's name and address.
 - Rhode Island Board of Elections: Registering to Vote, <http://www.elections.state.ri.us/registration/intro.htm>; Rhode Island Voter Registration Form, <http://www.elections.state.ri.us/docs/VR6-04.pdf>
- **State or federal elections?**
 - Probably both. Doesn't seem to be a distinction made, most materials say "when voting for the first time" rather than "when voting for the first time in a federal election." Rhode Island Voter Registration Form, <http://www.elections.state.ri.us/docs/VR6-04.pdf>.
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Provisional ballot. Rhode Island Board of Elections: Frequently Asked Questions, <http://www.elections.state.ri.us/frequent.htm>.
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - None beside provisional vote. R.I. Gen. Laws § 17-19-24.1 (2004).
- **Challenge available at polls?**
 - Yes, watchers and election officials may challenge at polls. R.I. Gen. Laws § 17-19-22 (2004).

MEMORANDUM

TO: Sara Sampson
FROM: Sarah Shive
DATE: August 31, 2005
RE: States for ID requirements chart: South Carolina

South Carolina

Summary:

South Carolina requires voters to present a valid South Carolina driver's license or other photographic South Carolina identification, if the voter does not have a driver's license. S.C. Code Ann. §7-13-710. A voter may also present their signed registration notification. *Id.*

South Carolina has not codified provisions for voter identification when voters register in person or via mail. The state's voter registration by mail form offers evidence that they comply with the Help America Vote Act of 2002 in their actual identification requirements, but have made no state law related to the matter.

There are also no state statutes related to the consequences of having no identification when appearing at the polls.

- **Statutes:**
 - **Passed:**
 - **§7-13-710** – 1962; 1988 permitted registration notification to be used as identification if signed.
- **Session law/recent legislation passed:**
 - None.
- **Pending legislation:**
 - **2005 SC H.B. 3451:** proposes to add a U.S. passport as a form of identification that may be presented by a voter at the polls (Feb. 3, 2005)
 - **2005 SC H.B. 3461:** proposes to add a photographic college identification card as identification that may be presented by a voter at the polls if they do not have a driver's license (Feb. 3, 2005)
- **Case law (from annotations):**
 - None
- **Administrative regulations:**
 - None.
- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - No statutes address the matter.
 - **At polls:**
 - At the polls, voters are required to present a valid South Carolina driver's license or other photographic South Carolina identification, if the voter does not have a driver's license. A signed copy of the voter's registration confirmation may also be presented if the voter does not have a driver's license.
 - **First time voters or all?**

- All
- **When?**
 - At the polls before voting.
- **What types of ID?**
 - When registering by mail: No statutes address the matter.
 - When registering in person: No statutes address the matter.
 - At the polls: Voters are required to present a valid South Carolina driver's license or other photographic South Carolina identification, if the voter does not have a driver's license. A signed copy of the voter's registration confirmation may also be presented if the voter does not have a driver's license.
- **State or federal elections?**
 - Both
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - No statutes address the matter.
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - No statutes address the matter.
- **Challenge available at polls?**
 - Yes.

MEMORANDUM

TO: Sara Sampson
FROM: Jaime Molbreak
DATE: August 30, 2005
RE: Voter Identification – South Dakota

South Dakota

Summary

In order to cast a ballot in an election, South Dakota voters must present themselves to the precinct worker in charge of the registration list, announce their name and show valid photo identification. S.D. CODIFIED LAWS § 12-18-6.1 (Michie 2005). If the voter does not have a valid identification card, the voter must complete a personal identification affidavit. § 12-18.6.2. A member of the election board must verify that the picture on the ID matches the voter. § 12-18.6.3. The name on the ID must also match the name on the voter registration list. *Id.* If the election board worker cannot make this verification, the worker may consider other forms of identification, personal knowledge, and the voter's explanation. *Id.* If the voter's identity cannot be proven to the satisfaction of the election board the voter may vote a provisional ballot. *Id.* This is significant because between 5 percent and 10 percent of South Dakota's Native American population lack a photo ID due to poverty.¹ § 12-1-1 of S.D. CODIFIED LAWS (2005) provides that the provisions in Title 12 that follow apply to elections for state and local officers. In certain counties, a person proficient in both local Sioux dialect and English must be present in all precincts of the county. § 12-3-10. South Dakota does not offer early voting.²

- **Statutes** S.D. CODIFIED LAWS § 12-4-5.5 (Michie 2005); S.D. CODIFIED LAWS § 12-19-2.1 (Michie 2005)
 - **Passed**
 - The legislature recently voted to amended § 12-4-5.5 to include a check for authenticity of a driver's license number or social security number at the time voter registration information is transmitted from a county to the statewide voter registration file. HB 1007.
 - Additionally, the legislature amended § 12-19-2.1, permitting absentee voting on the day of an election. HB 1110.
- **Session Law / Recent Legislation Passed**
 - See above
 - **Pending Legislation**
 - SB 120, 80th Gen. Assem. 2005 Reg. Sess. (S.D. 2005) failed a vote in the Senate, but was proposed to allow a voter who is recognized by election judges to vote without photo identification or affidavit.

¹ Information from www.reformelections.org (August 30, 2005).

² National Conference of State Legislatures, <http://www.ncsl.org/programs/legman/elect/absentearly.htm> (August 30, 2005).

- **Case Law (from annotations)**
 - None
- **Administrative Regulations**
 - None
- **What the Law Requires**
 - **Is ID Required?**
 - **For Registration:**
Provide driver's license number or last four digits of social security number. These will be subject to a review for authenticity pursuant to aforementioned recent legislation. If a person does not have a driver license or social security number, the person may only register at the county auditor's office and must sign a statement to that effect. § 12-4-5.4.
 - **At Polls:**
A voter requesting a ballot must present a valid form of identification. § 12-18-6.1. If a voter is not able to present a form of personal identification as required by § 12-18-6.1, the voter may complete an affidavit in lieu of the personal identification.
 - **Absentee Voters:**
Recent legislation provides that absentee voting is permitted on the day of an election. See HB 1110. The election board compares the signature on the statement on the ballot return envelope with the signature on the written application received from the auditor. § 12-19-10.
 - **First-time voters or all?**
All.
 - **When?**
At the polls.
 - **What types of ID?**
A voter must announce their name and present either a South Dakota driver's license or non-driver identification card; a passport or an identification card, including a picture, issued by an agency of the United States government; a tribal identification card, including a picture; or an identification card, including a picture, issued by an accredited institution of higher education, including a university, college, or technical school, located within the State of South Dakota. § 12-18-6.1.
 - **Consequences of having no ID (provisional ballot v. regular ballot)**
If the voter's identity can't be proven to the satisfaction of the election board, the voter may vote a provisional ballot. § 12-18.6.3.
 - **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
If the voter does not have a valid identification card, the voter must complete a personal identification affidavit. § 12-18-6.2. The affidavit requires the voter to provide his or her name and address.

- **Challenge available at polls?**

Yes. A voter may only be challenged as to their identity or on grounds that within fifteen days preceding the election the person has been convicted of a felony or declared by proper authority to be mentally incompetent. The proceedings are to be conducted before the precinct superintendent and precinct deputies who must determine from the evidence presented whether or not the person is permitted to vote. § 12-18-10. Pursuant to § 12-18-39, If any person is successfully challenged under [§ 12-18-10](#), the person may cast a provisional ballot.

MEMORANDUM

TO: Sara Sampson
FROM: Jaime Lebo
DATE: September 1, 2005
RE: States for ID requirements chart: Tennessee

Tennessee

Summary:

In Tennessee, registrars must verify that the voter's signature and information on the application for ballot matches the signature and information on the duplicate permanent registration record, if the county is not computerized. Tenn. Code Ann. §2-7-112 (2005). If the county is electronic, then the registrar must compare the voter's signature and information on the computerized signature list with other evidence of identification supplied by the voter. *Id.* "Evidence of identification" means a valid voter's registration certificate, Tennessee driver license, social security card, credit card bearing the applicant's signature or other document bearing the applicant's signature. *Id.*

If the voter's eligibility to vote at a particular precinct cannot be determined, the voter may vote provisionally with verification of the voter's residential address. *Id.* The type of verification includes, but is not limited to, a Tennessee driver license, a residential lease agreement, a utility bill or other document bearing the applicant's residential address. *Id.*

If the voters register by mail, they must present satisfactory proof of identity before voting. §2-2-115(b)(7) (2005).

There are two bills that are pending which would require the voter to present a photo identification to the registrar or two forms of identification that state the name and address of the voter. 2005 TN S.B. 1595 (SN); 2005 TN H.B. 196 (SN).

- **Statutes:** Tenn. Code Ann. §2-7-112 (2005).
 - 2003 added provisions to set out the procedures used for casting a provisional ballot
- **Session law/recent legislation passed:** none
- **Pending legislation:**
 - 2005 TN S.B. 1595 (SN), 104th Gen. Assem.: amends §2-7-112(a)(1) and requires the voter to present to the registrar one form of identification that bears the name, address and photograph of the voter or two different forms of identification that bear the name and address of the voter [introduced 2/3/05]
 - 2005 TN H.B. 196 (SN), 104th Gen. Assem.: amends §2-7-112(a)(1) and requires the voter to present to the registrar one form of identification that bears the name, address and photograph of the voter or two different forms of identification that bear the name and address of the voter [introduced 2/1/05]

- **Case law (from annotations):**
 - none
- **Administrative regulations:** none
- **What the law requires:**
 - **Is ID required?**
 - **For registration:**
 - If registering by mail: before voting, voter must present satisfactory proof of identity. This does not apply to a voter who is on the permanent absentee voting register. §2-2-115(b)(7) (2005).
 - **At polls:**
 - After registrar verifies that the voter's signature and information on the application for ballot matches the signature and information on the duplicate permanent registration record, he will initial the application, which will serve as the voter's identification for a paper ballot or for admission to a voting machine. Tenn. Code Ann. §2-7-112(a)(1) (2005).
 - **Computerized county:**
 - Registrar must compare the voter's signature and information on the computerized signature list with other evidence of identification supplied by the voter. §2-7-112(a)(2)(B) (2005).
 - **Provisional voter:**
 - Voter must present verification of the residential address under which the person desires to vote. §2-7-112(a)(3)(A)(i) (2005).
 - **Early voting at polls:**
 - Upon completion of the application, the administrator of elections shall compare the signature of the voter with the signature on the voter's permanent registration record, or other evidence of identification if computerized duplicate registration records are used. §2-6-109(a) (2005).
 - **First time voters or all?**
 - All. §2-7-112 (2005).
 - **When?**
 - At the polls. §2-7-112 (2005).
 - **What types of ID?**
 - For purposes of comparing the person's signature on the application for ballot, "evidence of identification" shall be a valid voter's registration certificate, Tennessee driver license, social security card, credit card bearing the applicant's signature or other document bearing the applicant's signature. §2-7-112(c) (2005).
 - For purposes of registering a voter to vote provisionally, "verification of residential address" shall include, but is not limited to, a Tennessee driver license, a residential lease agreement, a

utility bill or other document bearing the applicant's residential address. §2-7-112(d) (2005).

- **State or federal elections?**
 - All elections. §2-7-112 (2005).
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Provisional ballot. §2-7-112(a)(3)(A) (2005).
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Must execute an affidavit of identity. §2-7-112(a)(2)(D) (2005).
- **Challenge available at polls?**
 - Yes. §2-7-123 (2005).

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: July 5, 2005
RE: States for ID requirements chart: Texas

Texas

Summary:

Texas law requires that first time voters who registered by mail provide proof of identity. Tex. Elec. Code Ann. § 13.122 (2004). The forms of identification include: (1) driver's license or state identification card; (2) photo identification of any kind; (3) birth certificate; (4) citizenship papers; (5) passport; (6) official mail from a government entity; (7) current utility bill, bank statement, government check, paycheck, or other government document that shows the voter's name and current address. Tex. Elec. Code Ann. § 63.0101 (2004). Voters may submit the proof of identity at the polls or with their registration. Texas Voter Registration Form, <http://www.sos.state.tx.us/elections/forms/vr17.pdf>.

Under Texas law, all voters must present their voter registration certificate prior to voting. Tex. Elec. Code Ann. § 63.001 (2004). Without the registration certificate (and voter is on precinct list of voters), the voter may only vote a regular ballot if he executes an affidavit that he does not have his voter registration certificate and shows proof of identification (same forms as above). Tex. Elec. Code Ann. § 63.008 (2004). If the voter does not have his registration certificate and is not on the precinct list of voters, he must execute an affidavit that he is a registered voter and is eligible to vote and vote a provisional ballot. Tex. Elec. Code Ann. § 63.009 (2004). However, if the precinct worker can determine the voter is eligible from identification presented, the voter may execute an affidavit that he does not have his certificate and vote a regular ballot. *Id.*

All voters must also sign the signature roster. Tex. Elec. Code Ann. § 63.002 (2004).

Texas recently passed HB 2309, which had required voter identification in earlier versions, but the enrolled version did not include the provisions. There were several bills pending this session which would have required voter identification at the polls, but most died in committee. HB 1706 is still pending and would require voters to present their voter registration certificate and two forms of identification (same forms as for proof of identity now). HB 1706, 79th Legis., Reg. Sess. (Tex. 2005).

• **Statutes:**

- Tex. Elec. Code Ann. § 63.001 (2004): must present voter registration certificate at polls.
- Tex. Elec. Code Ann. § 63.002 (2004): must sign signature register.
- Tex. Elec. Code Ann. § 63.006 (2004): voter with certificate not on the list may vote.
- Tex. Elec. Code Ann. § 63.008 (2004): without registration certificate (and on the precinct list of voters), voter must execute affidavit that he/she does

not have the certificate with him/her and must present identification (otherwise, the voter votes provisionally).

- Tex. Elec. Code Ann. § 63.009 (2004): without registration certificate (and not on the precinct list of voters), voter must execute affidavit that he/she is a registered voter and is eligible and vote provisionally; however, if the precinct worker can determine that the voter is eligible from identification presented, the voter may execute an affidavit that he does not have the certificate and vote a regular ballot.
- Tex. Elec. Code Ann. § 63.0101 (2004): ID forms
- **Passed:**
 - § 63.001 – 1985
 - § 63.002 – 1985
 - § 63.006 – 1985
 - § 63.008 – 1985; amended in 1997, 2003
 - § 63.009 – 1985; amended in 1997, 2003
 - § 63.0101 – 1997; amended in 2003
- **Session law/recent legislation passed:** Texas passed HB 2309, which had required voter identification in an earlier version, but the voter identification provisions were dropped from the bill passed.
- **Pending legislation:**
 - HB 1706, 79th Leg., Reg. Sess. (Tex. 2005): would require voter to present voter registration certificate and two forms of identification (same list as currently used for proof of identity) [2/28/05 introduced; 5/3/05 passed House with amendments; 5/5/05 referred to Senate committee].
- **Case law (from annotations):**
 - *Deffebach v. Chapel Hill Independent School Dist.*, 650 S.W.2d 510 (Tex. App. 12 Dist. 1983): In regard to provision of V.A.T.S. Election Code art. 8.07 (repealed; but replaced) requiring voters to sign an affidavit upon failing to present to the election officials a current voter registration certificate, compliance with the provisions of such article were directory and not mandatory.
 - *Gottlieb v. Hofheinz*, 523 S.W.2d 7 (Tex. Civ. App. 1975), dismissed: Absent allegation and proof that certain votes were fraudulently induced or cast, voters in question were not disqualified merely because precinct judges did not acknowledge the affidavit pages they signed which stated that their voter registration certificates were missing or lost; provisions of former Election Code were directory.
- **Administrative regulations:** none
- **What the law requires:**
 - **Is ID required?**
 - **First time voters/HAVA:**
 - First time voters who register by mail must provide proof of identification. Tex. Elec. Code Ann. § 13.122 (2004).
 - **At polls/all voters:**
 - Must present voter registration certificate. Tex. Elec. Code Ann. § 63.001 (2004).

- Without voter registration certificate (and voter is on precinct list of voters), the voter may vote a regular ballot if he executes an affidavit that he does not have his voter registration certificate and shows proof of identification. Tex. Elec. Code Ann. § 63.008 (2004).
 - Without voter registration certificate (and not on the precinct list of voters), voter must execute affidavit that he is a registered voter and is eligible to vote and vote a provisional ballot. However, if the precinct worker can determine that the voter is eligible from identification presented, the voter may execute an affidavit that he does not have the certificate and vote a regular ballot. Tex. Elec. Code Ann. § 63.009 (2004).
- All accepted voters must sign signature roster. Tex. Elec. Code Ann. § 63.002 (2004).
- **First time voters or all?**
 - Looks like all voters have a requirement. First time voters who registered by mail must satisfy the requirement with proof of identity; all other voters may use either their registration certificate or proof of identity document. Tex. Elec. Code Ann. § 13.122 (2004); Tex. Elec. Code Ann. § 63.001 (2004); Tex. Elec. Code Ann. § 63.008 (2004); Tex. Elec. Code Ann. § 63.008 (2004).
- **When?**
 - For first time voters who registered by mail either at the polls or with registration. Texas Voter Registration Form, <http://www.sos.state.tx.us/elections/forms/vr17.pdf>.
 - However, all voters are required to present either proof of identity or a registration certificate at the polls.
- **What types of ID?**
 - All voters & first time voters – these documents are proof of identity:
 - (1) a driver's license or personal identification card issued to the person by the Department of Public Safety or a similar document issued to the person by an agency of another state, regardless of whether the license or card has expired;
 - (2) a form of identification containing the person's photograph that establishes the person's identity;
 - (3) a birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity;
 - (4) United States citizenship papers issued to the person;
 - (5) United States passport issued to the person;
 - (6) official mail addressed to the person by name from a governmental entity;

- (7) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or
 - (8) any other form of identification prescribed by the secretary of state.
 - Tex. Elec. Code Ann. § 63.0101 (2004).
- **State or federal elections?**
 - All elections.
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - With no voter registration certificate and no identification, the voter must vote provisionally. Tex. Elec. Code Ann. § 63.008 (2004); Tex. Elec. Code Ann. § 63.0011 (2004).
 - First time voters without identification must vote provisionally too.
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Execute affidavit that he is a registered voter and is eligible to vote. Tex. Elec. Code Ann. § 63.0011 (2004).
- **Challenge available at polls?**
 - All voters may challenge registration. Tex. Elec. Code Ann. § 16.091 (2004).
 - Poll challengers permitted at the polls, but they may only suggest that an irregularity has occurred to election officials. Tex. Elec. Code Ann. § 33.056 (2004).

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: July 6, 2005
RE: States for ID requirements chart: Utah

Utah

Summary:

Utah requires either proof of identity or proof of residence for first time voters who mailed their registration. Utah Code Ann. § 20A-3-104 (2005); Utah Code Ann. § 20A-2-202 (2005). This may be provided either at registration or at the polls. Utah Code Ann. § 20A-2-202 (2005). Without identification, the voter may vote a provisional ballot. Utah Code Ann. § 20A-3-104 (2005).

All other voters must announce their name and, if requested, their address prior to voting. *Id.* If the election official does not know the voter, he *may* request identification (proof of residence or identity) or that the voter be identified by another voter. *Id.*

There are two pending bills related to voter identification. SB 67 would require voters to present one form of identification with their name, address, and photo or two forms of identification with their name and address. SB 67, 56th Legis., 2005 Gen. Sess. (Utah 2005). The Senate and House have each passed different versions of this bill. SB 267 would allow election day registration, which may or may not affect provisional balloting (some states with election day registration do not have provisional balloting).

- **Statutes:** Utah Code Ann. § 20A-3-104 (2005) & Utah Code Ann. § 20A-2-202 (2005).
 - **Passed:**
 - § 20A-3-104 – 1953, reenacted in 1993; HAVA compliant section added in 2003.
 - § 20A-2-202 – 1953, reenacted in 1993; HAVA compliant section added in 2003.
- **Session law/recent legislation passed:** none significant to voter identification.
- **Pending legislation:**
 - SB 67, 56th Leg., 2005 Gen. Sess. (Utah 2005): voter must present one form of identification with name, current address, and photo of voter or two forms of identification with name and current address. [2/25/05 passed Senate, failed House, 3/2/05 sent back to Senate]
 - SB 267, 56th Leg., 2005 Gen. Sess. (Utah 2005): to allow election day registration. [2/24/05 second reading]
- **Case law (from annotations):** none
- **Administrative regulations:** none

- **What the law requires:**
 - **Is ID required?**
 - **For first time mail in registrants:**
 - Proof of identity or residence required. Utah Code Ann. § 20A-3-104 (2005); Utah Code Ann. § 20A-2-202 (2005).
 - **At polls/all voters:**
 - Must announce his/her name and, if requested, his/her address. If the election official does not know the voter and has reason to doubt the voter's identity, the official may request identification or have the voter identified by another registered voter. Utah Code Ann. § 20A-3-104 (2005).
 - **First time voters or all?**
 - Identification is only *required* of first time voters. It may be requested of all voters. Utah Code Ann. § 20A-3-104 (2005).
 - **When?**
 - Either at registration or at the polls. Utah Code Ann. § 20A-2-202 (2005).
 - **What types of ID?**
 - Either proof of identification or proof of residence satisfies requirement. Utah Code Ann. § 20A-2-202 (2005).
 - Proof of identity: photo identification that establishes identity (such as driver's license or identification card). Utah Code Ann. § 20A-1-102 (2005).
 - Proof of residence: some official document or form that establishes a person's residence (such as driver's license or utility bill). Utah Code Ann. § 20A-1-102 (2005).
 - Utah Voter Information Pamphlet lists driver's license, state identification card, passport, current utility bill, government check, paycheck, and other document that shows name and current address as acceptable identification. Utah Voter Information Pamphlet, 74, http://elections.utah.gov/Voter%20Information%20Pamphlet_web.pdf.
 - **State or federal elections?**
 - Both. Utah Code Ann. § 20A-3-104 (2005).
 - **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Provisional Ballot. Utah Code Ann. § 20A-3-104 (2005).
 - **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - None. Utah Code Ann. § 20A-3-105.5 (2005).
 - **Challenge available at polls?**
 - Yes. Utah Code Ann. § 20A-3-202 (2005).

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: July 6, 2005
RE: States for ID requirements chart: Vermont

Vermont

Summary:

In Vermont, voters who are voting for the first time and registered by mail must present identification prior to voting. Vt. Stat. Ann. tit. 17, § 2563 (2004). This identification may be presented at any time prior to voting, including at registration. *Id.* The types of identification permitted are the same as the types permitted under HAVA. *Id.* Without identification, a voter may vote a provisional ballot. *Id.* This requires completing an attestation, and the voter may only vote for candidates for federal office. Vt. Stat. Ann. tit. 17, § 2556 (2004).

All voters must state their name and, if requested, their address prior to voting. Vt. Stat. Ann. tit. 17, § 2563 (2004). No identification is required of voters besides the requirement for first time voters who registered by mail. *Id.*

There are no pending bills or recent bills passed concerning voter identification.

- **Statutes:** Vt. Stat. Ann. tit. 17, § 2563 (2004).
 - **Passed:**
 - § 2563 – 2003 identification requirement for first time voters added
- **Session law/recent legislation passed:** none
- **Pending legislation:**
 - none
- **Case law (from annotations):** none
- **Administrative regulations:** none
- **What the law requires:**
 - **Is ID required?**
 - **First time voters who registered by mail:**
 - Identification required for first time voters who registered by mail. Vt. Stat. Ann. tit. 17, § 2563 (2004).
 - **At polls/all voters:**
 - State name and, if requested, address. No identification required. Vt. Stat. Ann. tit. 17, § 2563 (2004).
 - **First time voters or all?**
 - First time voters who registered by mail only. Vt. Stat. Ann. tit. 17, § 2563 (2004).
 - **When?**
 - Either registration, some time prior to the election, or at the polls. Vt. Stat. Ann. tit. 17, § 2563 (2004).

- **What types of ID?**
 - (1) A valid photo identification; (2) copy of a current utility bill; (3) copy of a current bank statement; (4) or copy of a government check, paycheck, or any other government document that shows the current name and address of the voter. Vt. Stat. Ann. tit. 17, § 2563 (2004).
- **State or federal elections?**
 - Seems to be all elections. However, when a voter votes provisionally, he may only vote for federal candidates. Vt. Stat. Ann. tit. 17, § 2563 (2004); Vt. Stat. Ann. tit. 17, § 2556 (2004).
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Provisional ballot. Vt. Stat. Ann. tit. 17, § 2563 (2004).
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Affidavit & vote for federal candidates only. Vt. Stat. Ann. tit. 17, § 2556 (2004).
- **Challenge available at polls?**
 - Challenge permitted by challengers appointed by a political party, candidate, or issue group. Vt. Stat. Ann. tit. 17, § 2564 (2004).

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: July 7, 2005
RE: States for ID requirements chart: Washington

Washington

Summary:

Recently, Washington passed two bills concerning voter identification. 2005 Wash. Laws 243; 2005 Wash. Laws 246. 2005 Wash. Laws 243 is effective July 24, 2005, and 2005 Wash. Laws 246 is effective January 1, 2006. These new laws require all voters to present identification at the polls in the form of a photo identification, bank statement, paycheck, government check, or other government document. 2005 Wash. Laws 243. They also require first time voters who register by mail (regardless of voting method) to provide identification (forms similar to above list) prior to voting at the polls. 2005 Wash. Laws 246.

Until the new laws take effect, only first time voters who register by mail are required to present identification. All other voters must merely state their name and sign the precinct record. Wash. Rev. Code § 29A.44.201 (2005); Wash. Admin. Code § 434-253-040 (2005).

There are several bills pending in the legislature. All of these bills require photo identification.

- **Statutes:**
 - 2005 Wash. Laws 243 – new voter identification law for all voters at the polls (effective 7/24/05)
 - 2005 Wash. Laws 246 – voter identification law applying to first time voters who registered by mail only (effective 1/1/06)
 - Wash. Rev. Code § 29A.44.201 (2005) – current law until 7/24/05
 - **Passed:**
 - § 29A.44.201 – 2004
 - 2005 Wash. Laws 243 (SB 5499) – 2005
 - 2005 Wash. Laws 246 (SB 5743) – 2005
- **Session law/recent legislation passed:**
 - 2005 Wash. Laws 243, sec. 7: all voters required to present identification at the polls (forms: voter registration card, any current and valid government-issued photo identification, driver's license, state identification card, passport, tribal identification card, military ID card, or a copy of a current utility bill, bank statement, paycheck, government check or other government document) [signed by governor 5/3/05, effective 7/24/05]
 - SB 5499, 59th Leg., 2005 Reg. Sess. (Wash. 2005)

- 2005 Wash. Laws 246, sec. 7: any voter who registered by mail and indicated that he did not have a social security number, driver's license, or state identification card must provide identification prior to voting (this requirement includes voters voting by mail and at the polls) [signed by governor 5/3/05, effective 1/1/06]
 - SB 5743, 59th Leg., 2005 Reg. Sess. (Wash. 2005)
- **Pending legislation:**
 - HB 2158, 59th Leg., 2005 Reg. Sess. (Wash. 2005): require identification containing photo and signature at polls. [2/28/05 committee hearing]
 - SB 6075, 59th Leg., 2005 Reg. Sess. (Wash. 2005): require identification containing photo and signature at polls. [3/3/05 introduced, referred to committee]
 - HB 2226, 59th Leg., 2005 Reg. Sess. (Wash. 2005): require identification containing photo and signature at polls (only driver's license, state identification card, or passport acceptable). [2/24/05 introduced, referred to committee]
 - SB 5400, 59th Leg., 2005 Reg. Sess. (Wash. 2005): require voters to show photo identification and registration verification. [1/24/05 introduced, referred to committee]
- **Case law (from annotations):** none
- **Administrative regulations:**
 - Wash. Admin. Code § 434-253-040 (2005): verification of voter's name.
- **What the law requires:**
 - **Is ID required?**
 - **First time voters who registered by mail:**
 - Now: Must provide identification prior to voting regardless of whether voter is voting at the polls or by mail. 2005 Wash. Laws 246, sec. 7 (effective 1/1/06).
 - Prior to new law: HAVA only.
 - **At polls - all voters:**
 - Now: All voters must provide identification prior to signing poll book. 2005 Wash. Laws 243, sec. 7.
 - Prior to new law: Announce name and sign record only. Wash. Rev. Code § 29A.44.201 (2005); Wash. Admin. Code § 434-253-040 (2005).
 - **First time voters or all?**
 - All voters have a similar identification requirement. 2005 Wash. Laws 243, sec. 7; 2005 Wash. Laws 246, sec. 7.
 - **When?**
 - At polls. 2005 Wash. Laws 243, sec. 7; 2005 Wash. Laws 246, sec. 7.
 - **What types of ID? [requirements for all voters and first time voters are similar]**
 - **At polls – all voters:**
 - Current and valid photo identification, including: voter registration card, any current and valid government-issued

photo identification, driver's license, state identification card, passport, tribal identification card, and military ID card.

- Other identification, including: copy of current utility bill, bank statement, government check, paycheck, and any other government document.
- 2005 Wash. Laws 243, sec. 7.
- **First time voters who registered by mail:**
 - (a) Valid photo identification;
 - (b) A valid enrollment card of a federally recognized Indian tribe in Washington state;
 - (c) A copy of a current utility bill;
 - (d) A current bank statement;
 - (e) A copy of a current government check;
 - (f) A copy of a current paycheck; or
 - (g) A government document that shows both the name and address of the voter.
- 2005 Wash. Laws 246, sec. 7.
- **State or federal elections?**
 - Both. 2005 Wash. Laws 243, sec. 7; 2005 Wash. Laws 246, sec. 7.
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Provisional Ballot. 2005 Wash. Laws 243, sec. 7; 2005 Wash. Laws 246, sec. 7.
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Sign affidavit. 2005 Wash. Laws 243, sec. 6.
- **Challenge available at polls?**
 - No, only election officials may challenge at the polls. Wash. Rev. Code § 29A.44.201 (2005).
- **Miscellaneous:**
 - Has vote by mail for precincts with less than 200 active registered voters, and Washington recently passed a law permitting vote by mail for any precinct with permission of the county. Wash. Rev. Code § 29A.48.010 (2005); 2005 Wash. Laws 241.

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: July 7, 2005
RE: States for ID requirements chart: West Virginia

West Virginia

Summary:

The identification requirements under West Virginia law are the same as required under HAVA. W. Va. Code § 3-2-10 (2005). These requirements apply to local, state, and federal elections. Without identification, a voter is permitted to vote a provisional ballot. *Id.*

While West Virginia allows voters to register by mail with only the HAVA requirements for identification, voters who register in person are required to present identification and proof of age. W. Va. Code § 3-2-7 (b) (2005).

No recent laws passed or bills pending.

- **Statutes:** W. Va. Code § 3-2-10 (2005); W. Va. Code § 3-1-34 (2005).
 - **Passed:**
 - § 3-2-10 – 2003
 - § 3-1-34 – 1981
- **Session law/recent legislation passed:** none
- **Pending legislation:**
 - none
- **Case law (from annotations):**
 - *State ex rel. Bumgardner v. Mills*, 53 S.E.2d 416 (W. Va. 1949): The purpose of the legislature in enacting the provisions of this section (§ 3-1-34) requiring the signature of the clerk on the back of the ballot was to guard against and prevent fraud in an election.
- **Administrative regulations:** none
- **What the law requires:**
 - **Is ID required?**
 - **For first time voters who registered by mail:**
 - Any voter who registers by mail who has not yet voted in the State (if statewide system set up) or in the county (prior to statewide system) must provide identification. W. Va. Code § 3-2-10 (g) (2005).
 - **Registration:**
 - For voters who register in person, they are required to present valid identification and proof of age. W. Va. Code § 3-2-7 (b) (2005).
 - **At polls/all voters:**
 - State name and sign poll book. W. Va. Code § 3-1-34 (a) (2005).

- **First time voters or all?**
 - Only first time voters who register by mail who have not voted in the State before. W. Va. Code § 3-2-10 (g) (2005).
- **When?**
 - Anytime prior to voting. W. Va. Code § 3-2-10 (g) & (i) (2005).
- **What types of ID?**
 - A current and valid photo identification; or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. W. Va. Code § 3-2-10 (g) (2005).
- **State or federal elections?**
 - Both. W. Va. Code § 3-2-10 (g) (2005).
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Provisional ballot. W. Va. Code § 3-2-10 (g) & (h) (2005).
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Looks like none. W. Va. Code § 3-1-41 (2005).
- **Challenge available at polls?**
 - Yes. W. Va. Code § 3-1-34 (d) (2005); W. Va. Code § 3-1-41 (2005).

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: July 7, 2005
RE: States for ID requirements chart: Wisconsin

Wisconsin

Summary:

Wisconsin does not require identification beyond HAVA for voters who registered by mail and are voting for the first time in a national election. Wis. Stat. § 6.36 (2)(c)(2) (2004). It also only requires identification in national elections, not for state and local elections. *Id.* The identification forms are the same as permitted under HAVA. Wis. Stat. § 5.02 (6m) (2004). Without identification, a voter may vote a provisional ballot; the provisional ballot only counts if the voter brings identification to the clerk's office by 4 p.m. the day after election day. Wis. Stat. § 6.97 (2004); Wisconsin State Elections Board, Voter Information: Frequently Asked Questions, http://elections.state.wi.us/faq_detail.asp?faqid=142&fid=27&fname=&linkid=.

Wisconsin has in-person late registration and election day registration. Wis. Stat. § 6.29 (2004). This requires proof of residence (many forms acceptable) or an affidavit as to the residence of the voter by another registered voter. *Id.* All other voters must only provide their name and address prior to voting. Wis. Stat. § 6.79 (2)(c), (3) (2004).

There are several bills pending which would require photo identification of all voters prior to voting. One of these bills passed both houses and was vetoed by the governor in May. Another similar bill has passed both houses recently.

- **Statutes:** Wis. Stat. § 6.79 (2004); Wis. Stat. § 6.36 (2004)
 - **Passed:**
 - § 6.36 – 2003
 - § 6.79 – since at least 1989, probably since 1965
- **Session law/recent legislation passed:** none
- **Pending legislation:**
 - AB 63, 97th Legis. Sess., Reg. Sess. (Wis. 2005): require all voters to show a WI driver's license, state identification card, or military identification card. [5/2/05 vetoed, 5/3/05 failed to override veto]
 - SB 42, 97th Legis. Sess., Reg. Sess. (Wis. 2005): require all voters to show a WI driver's license, state identification card, or military identification card; provisional ballot to those without identification; identification cards free. [6/15/05 passed Senate, 6/23/05 passed Assembly]
 - AJR 36: requires photo identification to vote at the polls. [5/3/05 introduced, 5/31/05 to committee]
- **Case law (from annotations):**
 - *State ex rel. Hopkins v. Olin* 23 Wis. 309 (Wis. 1868): Proof, by residents of a town or village, that no such persons as some whose names are on the poll

list as having voted at the election, were known by the witnesses to have resided in such town or village, will authorize the jury to find that such names are fictitious, or belong to persons who were not legal voters in such town or district, unless other proof to the contrary is given.

- *State v. Trask* 115 N.W. 823 (Wis. 1908): The provisions of St.1898, §§ 23, 61 that one whose name was not on the registry as completed could not vote except on presenting an affidavit showing certain facts as to his qualification, was not unreasonable or inconsistent with his right to vote, as secured by the Constitution.
- **Administrative regulations:** none
- **What the law requires:**
 - **Is ID required?**
 - **For first time voters who registered by mail:**
 - Voters who registered by mail and have not yet voted in an election for national office. Wis. Stat. § 6.36 (2)(c)(2) (2004).
 - **At polls/all voters:**
 - All other voters must provide their name and address prior to voting. Wis. Stat. § 6.79 (3) (2004).
 - **Registration:**
 - Election day or in-person late registration: requires proof of residence – see “miscellaneous” below. Wis. Stat. § 6.29 (2004).
 - **First time voters or all?**
 - Just first time voters and just federal elections. Wis. Stat. § 6.36 (2)(c)(2) (2004).
 - Currently, the requirement applies to voters voting for the first time in the county; on Jan. 1, the requirement will apply to voters voting for the first time in the State. Wis. Stat. § 6.36 (2)(c)(2) (2004).
 - **When?**
 - At polls. Wis. Stat. § 6.36 (2)(c)(2) (2004).
 - **What types of ID?**
 - Current and valid photo identification or a copy of a utility bill, bank statement, paycheck, or a check or other document issued by a unit of government that shows the current name and address of the elector. Wis. Stat. § 5.02 (6m) (2004).
 - **State or federal elections?**
 - “Elections for national office.” Wis. Stat. § 6.36 (2)(c)(2) (2004).
 - **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Provisional ballot. Wis. Stat. § 6.97 (2004).
 - **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Provide identification in the municipal clerk’s office by 4 p.m. the day after election day. Wisconsin State Elections Board, Voter Information: Frequently Asked Questions, http://elections.state.wi.us/faq_detail.asp?faqid=142&fid=27&fname=&linkid=.

- **Challenge available at polls?**
 - Yes. Wis. Stat. § 6.925 (2004); Wis. Admin. Code § 9.02 (2005).
- **Miscellaneous:**
 - Registration not required in all municipalities.
 - Has late registration and election day registration, which requires identification. Wis. Stat. § 6.29 (2004).
 - Affidavit that voter is qualified to the best of his knowledge. Wis. Stat. § 6.55 (2004).
 - Identification required:
 - Proof of residence OR affidavit as to the voter's residence made by another registered voter and proof of residence for that voter. Wis. Stat. § 6.29 (2004).
 - Proof of residence: must include voter's name and current residence address (WI driver's license, state identification card, other identification card issued by WI or employer, credit card, library card, check cashing card, tax bill, lease, tuition bill, student identification card, pilot's license, or utility bill). Wis. Stat. § 6.55 (7) (2004).

MEMORANDUM

TO: Sara Sampson
FROM: Jamie LaPlante
DATE: July 8, 2005
RE: States for ID requirements chart: Wyoming

Wyoming

Summary:

Wyoming does not require identification beyond HAVA for voters who registered by mail and are voting for the first time in a Wyoming federal election. Wyo. Stat. Ann. § 22-3-118 (b) (2005). It also only requires identification in federal elections, not for state and local elections. *Id.* The identification forms are the same as permitted under HAVA. *Id.* Without identification, a voter may sign an affidavit and vote a provisional ballot; the provisional ballot only counts if the voter brings identification to the clerk's office the day after election day. Wyo. Stat. Ann. § 22-3-118 (2005); Wyo. Stat. Ann. § 22-15-105 (2005).

There are no pending bills concerning voter identification. However, Wyoming recently passed a bill adding tribal identifications to the list of acceptable identifications. 2005 Wyo. Sess. Laws 130.

- **Statutes:** Wyo. Stat. Ann. § 22-3-118 (2005).
 - **Passed:**
 - § 22-3-118 – 2004
- **Session law/recent legislation passed:**
 - 2005 Wyo. Sess. Laws 130 (HB 325): adds tribal identification as an acceptable identification. [2/25/05 signed by governor – effective 7/1/05]
- **Pending legislation:** none
- **Case law (from annotations):** none
- **Administrative regulations:** Secretary of State Regulation Issued October 1, 2004.
- **What the law requires:**
 - **Is ID required?**
 - **First time voters who register by mail:**
 - First time voters who register by mail and have not previously voted in a Wyoming federal election are required to provide identification prior to voting. Wyo. Stat. Ann. § 22-3-118 (b) (2005).
 - **First time voters or all?**
 - Just first time voters. Wyo. Stat. Ann. § 22-3-118 (2005).
 - **When?**
 - Prior to voting – anytime. Wyo. Stat. Ann. § 22-3-118 (2005).
 - **What types of ID?**
 - Current & valid photo identification, utility bill, bank statement, paycheck, government check, or other government document with the voter's name and address. Wyo. Stat. Ann. § 22-3-118 (b) (2005).

- The Secretary of State promulgated guidelines further defining identification for the purposes of voting or registration and added these specific forms:
 - Passport
 - Driver's license or state identification card (any state)
 - Identification card issued by Federal Government
 - Military identification card
 - Certificate of citizenship
 - Certificate of naturalization
 - Military draft record
 - Voter registration card from another State or County
 - Certificate of birth abroad issued by Department of State
 - Birth certificate
 - Any other form of identification issued by official agency of the U.S. or a State
 - Secretary of State Regulation Issued October 1, 2004.
- **State or federal elections?**
 - Federal only. Wyo. Stat. Ann. § 22-3-118 (b) (2005).
- **Consequences of having no ID (provisional ballot v. regular ballot?)**
 - Provisional ballot. Wyo. Stat. Ann. § 22-3-118 (2005).
- **Consequences of having no ID (affidavit, bring ID later, none, recite DOB & address)**
 - Affidavit. Wyo. Stat. Ann. § 22-15-105 (2005).

AND

 - Bring identification the day after the election in order for vote to count. Wyo. Stat. Ann. § 22-3-118 (2005); Wyo. Stat. Ann. § 22-15-105 (2005).
- **Challenge available at polls?**
 - Not by poll watchers or other voters. Only election judges may challenge. Wyo. Stat. Ann. § 22-15-101 (2005); Wyo. Stat. Ann. § 22-15-105 (2005); Wyo. Stat. Ann. § 22-15-109 (2005).